

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

August 11, 1986

Sie. Man the Rose ID MOD980633069 17 316 14.1 Other: 8.11.86

MEMORANDUM

SUBJECT: Request for Documents

FOIA Exemption 7(e)

FROM:

David R. Tripp Whigh

Regional Counsel, Region VII

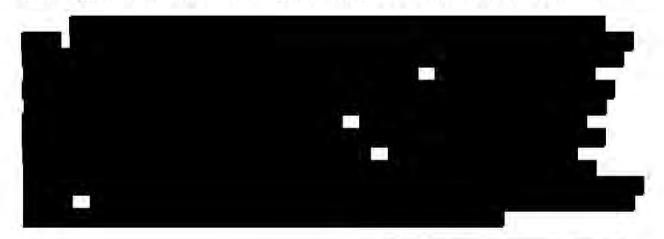
TO:

Richard H. Mays

Acting Assistant Administrator for OECM (LE-133)

Attached herewith for forwarding to the Subcommittee are copies of documents previously forwarded to the Subcommittee, including those which we wish to maintain as "enforcement sensitive." I have reviewed the documents furnished to either Mr. Roman of the Subcommittee (under letters dated July 11 and July 23, 1986) or Mr. Terry Tillotson, GAO, (Memorandum dated July 8, 1986) and declassified many documents previously designated as "enforcement sensitive."

Certain documents covering financial records of Martha C.
Rose Chemicals Company, Inc., were copied by the Subcommittee's investigator at the office of an EPA subcontractor. He committed to furnishing us copies of whatever he selected from the financial records. We have not received the promised copies, and have not been able to review those for enforcement sensitive material.





40024458 SUPERFUND RECORDS



Attachments

DOCUMENT INDEX MARTHA C. ROSE CHEMICALS CO.

- 1. Letter dated July 8, 1986, from David R. Tripp, Regional Counsel, Environmental Protection Agency, Region VII, to Terry Tillotson, GAO, providing documents on financial analysis and accounts payable.
 - a. Enforcement Sensitive
 - b. Not Enforcement Sensitive
- 2. Letter dated July 11, 1986, from David R. Tripp, Regional Counsel, Environmental Protection Agency, Region VII, to Peter Roman, Professional Staff Investigator, Subcommittee on Energy, Environment and Natural Resources, with documents which were furnished to Mr. Roman during his visit to the EPA Region VII offices, in response to Congressman Synar's request for June 27, 1986.
 - a. Enforcement Sensitive
 - b. Not Enforcement Sensitive
- 3. Letter dated July 23, 1986, from David R. Tripp, Regional Counsel, Environmental Protection Agency, Region VII, to Peter Roman, Professional Staff Investigator, Subcommittee on Energy, Environment and Natural Resources, transmitting remaining copies of documents Mr. Roman had requested, and copies of those documents.
 - a. Enforcement Sensitive
 - b. Not Enforcement Sensitive
- 4. Documents Picked Up by Peter Roman, Professional Staff Investigator, Subcommittee on Energy, Environment and Natural Resources, from Ruben McCullers, Consumer Safety Officer, Toxics and Pesticides Branch, Air and Toxics Division, Environmental Protection Agency, Region VII.
 - a. Enforcement Sensitive
 - b. Not Enforcement Sensitive
- 5. Documents Obtained by Peter Roman, Professional Staff
 Investigator, Subcommittee on Energy, Environment and
 Natural Resources, from EPA's Contractor, Black & Veatch.
 NOT INCLUDED

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July 8, 1986

MEMORANDUM

Subject: Financial Analysis and Accounts Payable Documents

Re: Martha C. Rose Chemicals, Co., Inc.

From: David R. Tripp

Regional Counsel

To: Terry Tillotson

GAO

We have this date provided you copies of the above prescribed documents marked "enforcement sensitive," as well as a copy of a draft letter outlining our understanding of what use will be made of these documents, particularly those marked "enforcement sensitive." Lee Thomas, Administrator of EPA, will formally respond to Congressman Synar's letter, but in the interest of proceeding expeditiously to satisfy the subcommittee's request, we are providing the attached documents.

Attachment

CONCURRENCES									
SYMBOL				,					
SURNAME	71								
DATE				Ţ					

EPA Form 1320-1 (12-70)

Mr. Peter Roman
Professional Staff Investigator
Subcommittee on Energy, Environment
and Natural Resources
Committee on Government Operations
House of Representatives
Washington, DC 20515

Dear Mr. Roman:

This letter is in partial response to the letter of June 27, 1985, from Congressman Mike Synar, Chairman of the Subcommittee on Environment, Energy and Natural Resources. Chairman Synar has asked for certain Environmental Protection Agency (EPA) documents, described more fully in his letter.

In our discussions today in this office, you and Mr. Terry Tillotson, General Accounting Office, have agreed generally to the following procedures:

- 1. You and Mr. Tillotson will be given access to all agency documents and files, particularly those pertaining to Martha C. Rose Chemicals Co., J. C. Carolan Co., PCB, Inc., Environmental International Electrical Services, and Environmental Resources Management.
- 2. In the course of your review of these files, you will identify documents which you wish to have copies of for purposes of committee review.
- 3. Subsequent to your identification of requested documents, the documents will be reviewed by the appropriate staff attorney, or supervising attorney, to identify any "enforcement sensitive" material. Any "enforcement sensitive" material will be marked accordingly, and a copy of all documents requested given to you. The criteria used to mark "enforcement sensitive" material will be those identified in the attached Memorandum of Understanding between Courtney Price and Mike Synar, dated April 12, 1983.
- 4. The document will be provided to you, and a duplicate copy of all documents copied for your use will be maintained in EPA's files.

	CONCURRENCES										
SYMBOL	Ä										
SURNAME											
DATE											
EPA E	1220-1 (12.70)						OFFICE	AL EU E COPY			

Any document copied and given to you which is marked enforcement sensitive" will be used only as described in the above-referenced Memorandum of Agreement of April 12, 1983.

In addition to copied documents, any information which you may come into possession of as a result of review of EPA docu-ments, which may constitute "enforcement sensitive" information, will not be disclosed other than to members of the committee for official purposes, without notice to this office. Of course, my staff and I will be available to discuss any questions on these issues with you.

We will continue to cooperate with your inquiry, and will be available for discussion on these or other issues.

Sincerely yours,

David R. Tripp Regional Counsel

CNSL:DRTripp:jc:x251:7/7/86

Disk #7

blcc: Ron Ritter

Henry Rompage

Scott Pemberton

Martha Steincamp

1.a

Facility Name/Location	Inspection Date	Violations	Action	Comments
Environmental Resource Mgmt North Kansas City, MO	September 1984	Storage	Civil	
, , , , , , , , , , , , , , , , , , , ,	September 16,1985		civil*	* Pend.
	December 12, 1985	Marking, Storage	Civil	* Pend.
			March of the	
			in Maria	
			1 Can	
Energy Recovery System	April 15, 1983	Storage (SPCC)	NON- ^{††}	Was PCB Destruction
			√ + ± 3/1, 2	Inc.

^{*} Based on Inspection Summary- case not reviewed or review ongoing

"ENFORCEMENT SENSITIVE"

Page 2

Facility Name/Location	Inspection Date	Violations	Action	Comments
Environmental International Electrical Services	November 1984	Disposal, storage	Civil	\$20,000/ Settle ment pending
Kansas City, KS	July 12, 1985	Disposal(approval)*	Civil	Consolidated
	July 18,1985	storage in MO, marking, disposal, storage in KS,*	Civi1	\$149,000
	July 24, 1985	records, storage (>lyr.) disposal(approval)*	Civil	
	December 10,1985	Storage, marking*	Civil* ,	* Pend.
	December 18, 1985	Storage (>1 yr. and improper containers)*	Civil*	* Pend.
Environmental International Of Missouri	July 18, 1985 Dec. 10, 1984	None None	None None	Brokerage only Brokerage only

^{*} Pending case review-- findings based on inspection summary

Facility Name/Location	Inspection Date	Violations	Action	Comments
PPM, Inc.	August 1984 September, 1985	None* Records*	None* NON*	NEIC Insp.* Minor records*
		·.		·
				•
				•
PCB Destruction Company	December 1, 1982	Storage, Marking,	ACO ◆	\$11,500/11,500 VII-83-T-74
				<u>.</u>

^{*} Pending case review-- Findings based on Inspection summary



Page 2 Facility Name/Location Inspection Date **Violations** Action . Comments Small M₁ Trinity Chemical Co. September 1984 Marking NON Mound Valley, KS February 1985 * Levels at facility Disposal NON slightly higher than Region VII requested (closure inspection) September 5,1985 *Pend None* None* December 12, 1985 None* None* * Pend

^{*} Pending case review-- findings based on inspection summary

Facility Name/Location	Inspection Date	Violations	Action	Comments
Martha C. Rose Chemicals Holden, MO	January 1982	None	None	
	November 3, 1983	Storage, marking	Civi1	30,000/7,000 faile to comply with Consent
	August 7, 1984	Storage, marking, record- keeping, disposal	Civi1	agreement-\$23,000 194,000/46,250 resubmit permits
	September 23, 1985	Disposal (approval) *	Civil*	* Pend. Assoc. Insp.; Rig Industries
	December 19, 1985	Storage (>lyr. & cont.)*	Civil*	* Pend. Notice of intd 2/13/86
	January 7, 1985	Storage *	Civil*	* Pend.
	October 28, 1985	Disposal (APP)*	Follow-up	* Pend. Assoc insp.; Asner Iron
	December 27,1985	*	*	* Pend. Assoc. insp.; Asner Iron
			· ·	

^{*} Pending case review---Findings based on inspection summary.

Facility Name/Location	Inspection Date	Violations	Action	Comments Page 2
National Electric, Inc. Coffeyville, KS	September 4, 1985 December 12, 1985	Storage, marking, Record None*	civil None*	*7,300/3,900 *Pend.
Environmental International Inc. EII-Chem. Waste Man.	May 6, 1982 December 29, 1982	None None (complaint)	None None	properly cleaned

^{*}Pending case review-- Findings based on inspection summary.

Facility Name/Location	Inspection Date	Violations	Action	Comments
PCB Treatment, Inc. Kansas City, MO	July 2, 1982	Improper disposal, marking, improper storage	Civil	\$18,000/7,200 VII-82-T-085
	April 22, 1983	None	None	spill; properly cle VII-83-T-115
	February 14, 1984	Storage (> lyr.)	Civil ·	10,000/1,000 VII-84-T-102
	July 1984	Disposal	Civi1	6,500/
	November 20, 1984	Storage, marking, disposal	Civi1	70,000/28,000
	September 16,1985			*Pend•
	October 16, 1985			*Pend.
	January 9, 1986	Marking and Storage*	Civil*	*Pend•
				417

^{*} Pending case review-- findings based on inspection summary.

Facility Name/Location	Inspection Date	Violations	Action	Page 2 Comments
PCB Disposal Systems	March 1984	Storage	NON	Notice of non-
Kingsville, MO	June 1984	Disposal	Civil	compliance * Pend.
	June 1985	Storage, Disposal	Civil*	. 🖈 Pend.
	September 24, 1985	None (Complaint)	None	Mallison Farm
	October 4, 1985	None (F/U to 9/24/85		
	December 28, 1985	*	*	*Pend.
		·.		

^{*} Pending case review --findings based on inspection summary.

1.b

MARTHA C. ROSE CHEMICALS

1000	CURRENT ASSETS	3'000	SALES
1020	BANK OF HOLDEN	3010	MISC. SALES
	PETTY CASH	3020	MO. SALES
1040	COUNTRY CLUB BANK	3030	KS. SALES
1050	MISSION BANK	3040	
1060	MERCANTILE BANK	3050	
	NOTE RECEIVABLE	3997	TOTAL SALES
	COUNTRY CLUB PAYROLL		
1090	MONEY MARKET ACCOUNT	4000	
1100	ACCOUNTS REC.	4200	
1397	TOTAL CURRENT ASSETS	4220	
1400	PROPERTY & EQUIPMENT	4230	
1510	DEP. TOTAL		FREIGHT
1597	NET PROPERTY & EQUIPMENT	4260	FREIGHT
1600	OTHER ASSETS		TOTAL COST OF SALES
1660	ORGANIZATION EXPENSE	4998	GROSS PROFIT
1997	TOTAL OTHER ASSETS		
1998	TOTAL ASSETS		EXPENSES
		52 1 0	
2009	CURRENT LIABILITIES	5230	
2010	ACCOUNTS PAYABLE	5240	TRUCK LEASE EXPENSE
	BANK LOAN	5320	SUB-CONTRACT
	RENT PAYABLE		DUES & SUBSCRIPTIONS
2140	PAYROLL DED.	. 5400	CONTRIBUTIONS
2200	BANK LOAN	5500	INSURANCE.
2300	BANK LOAN	5530	INTEREST
	BANK LOAN		BID BONDS
2320	NOTE PAYABLE		SERVICES
2497	TOTAL CURRENT LIABILITIES	5570	TAX AND LICENSE
2698	TOTAL LIABILITIES		PENALTIES (1) /
	PENALTIES	5590	
2800	CAPITAL	5610	
2850	SURPLUS/RETAINED EARNINGS NET INCOME	5660	POSTAGE
2975	NET INCOME		RENT HOLDEN OFFICE
2990	TOTAL LIABILITIES & EQUITY	5700	
		5740	
		5750	SALESMENS EXPENSE
	So Ditampo	5770	STATIONERY & PRINTING
	8/4/86	5900	TELEPHONE
	TECHNICAL MINISTER	5910	TRAVEL
EN	ALOV CENT	5950	UTILITIES
	TOTAL LIABILITIES & EQUITY STORCEMENT STATES VEORCEMENT STATES VEOR	5987	TOTAL EXPENSES

6998 NET INCOME/NET LOSS

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				BAI	LANCE	FORWARD	→	(bl., 18) 13)	}
DATE	FOLIO	DETAIL	Į	ĎEBIT	•	CRED!	r	BALANCE	PREVIOUS BALANCE
1/27/84	PMT	CK#1420	1			9.500	07)	125,681 13)	
7/31/84	PMT	CK #1186				3,000	מש	18,681 13	
1/31/84	sher	#3137		13,079	Z2		\	165,60141	
1/84	Dar	#3138	Υ,	37362	45			(28, 20896)	
1/31/84	MY	#3154		31,629	95			342099	
7/21/84	PMT	CK #1421				12,000	00	18579 01	
3/1/84	elw	#3136	1	28,301	30			19,722 29	
1/1/84	PMT	CK # 1187				8,000	00	11,72229	
1/84	PMT	CK #1422				8,500		3,22,29	
13/84	PMT	CK#1423		•		9200	00	15,97771	
1/3/84	PMT	CK # 1188				3,000	m.	18,97771	
5/4/54	PMT	CK #1424		·	_	22,000	00	3397771	
1/6/84	PMT	CK #1196				8,000	ĺΌ	(38,977,71)	
5/7/84	PMT	CK#1425				15,000	00	53,97771	
18/04	elix	#3165		35,35%	94			118,619 77	
10/94	PMT	CK #1427				14,900	10	133,519 77	
8/13/84	PMI	(K#1203				32,000	100	55,519 77	
114/84	PMT	CK # 1204				4,500	00	60019 77	
115/84	PMI	CK #OLS				2,000	00	67.01977	
1/5/54	PMT	CK # 1428				5,00	00	72019 77	
5/16/80	PMT	CK = 1206				4,500	OC	76,579 77	
117/84	PMT	CK #1209				12,900	ud	89.419 77	
15/54	sher	#3164		31,821	52	,		57,598 25	
100/84	M	#3/53		76,024				18,426 64	
8/20/84	PMT	CK # 1429				2,500	00	5,906 104	
RI 7		160				,		(*	part 140

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				BALA	ANCE	FORWARD	→	8,759	76		
DATE	FOLIO	DETAIL		DEBIT		CREDIT		BALANG	E	REVIOL	
E/30/5U	des	#3111	į	14,393	17			14366	69		
1/29/84	PMT	CK#1146				9,000	10	13366			
19/29/50	PMT	CK#1147				11,200		. /	_		
	-	-				1 - 1			•		
7/2/84	PMI	(" # 14:16				11,000	00	40566	1091		
7/3/84	PMT	CK#1411	,			7/100	OOK	47,566	_ ,		
7/3/84	PINT	CK#1150	¥			/ ·		5456	69		
77/84	Shu	#3119	v	25,2579	90		~	29.308	191		
7/6/84	PMT	14#1412	×			9,000	00	38,308	29		
7/6/54	PMT	CK#1151	*			9.000	000	47,308	19-		
7/9/84	PMT	CK#1413	ŀ			8,500	10	55,808	79		
2/10/84	PMT	CK # 1160	χ			3,600		59,408	79		
7/11/84	Der	#3120	,	21,698	ノフ			37,710	62		
7/11/84	PMT	CK#1414	ķ			11,000	00	48,710	62		
1/13/84	PMT	CK#1164	ŀ			4,500	10	53210	62	AMILIO MARIONE	
7/13/84	PMT	CK#1416	,			14,000	100	67,210	62		
7/14/84	PMT	CK # 1417	Ŀ			8,000	10	175,210	102	11/1/1	
7/17/84	PMT	CK # 1166				12,500	100	27,210	62		
7/17/84	PMT	CK # 1163	ŀ			6,000	10	93,210	62		
7/18/84	der	#3121	Ŀ	26,128	19			67,081	83		
20/84	PMT	CK # 1162	Ŋ			1,512	00	174,581	83		
1/20/54	PMT	CK#1418	Ŀ			7,500	00	82.08/	83		
7/21/54	PMT	CK#1419	Ŀ			8,000	00	90,081	83		
7/23/84	PMT	CK #1178	Ņ			3,500	00	93,581	83		
7/25/84	Jul	#333	L	27,400	10		<	(26,18/	13		
		15/57		•				/			

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			•		DA	LANCE	FORWARD	→	(83.557 10)	1
,	DATE	FOLIO	DETAIL	J	DEBIT		CREDI	T	BALANCE	PREVIOUS BALANCE
1	5/29/34	PMT	1K#145				127.121	17	197,559 10	
2	5/30/80	Jer	#3064	ŀ	26,231	11			177,327 99	
3	5/31/50	LAY	+307/		13,993.			•	65.334 62	
4	5/3/1/	JIV	#3673	Ŀ	26,196	95-			37,137 67	
5	5/3//30	JUL	# 3075		12,654	90		\	2:477 17	
. 6	5/31/84	POST	PX=1395				7.510	10	(33,917)77	
7	6/1/54	PMT	14 # 1126	L.			16,000	17	43,97777	
.8	15/84	PMT	MK # 1397				5,110	13	49,087 80	
9	15/16/1	LLV	#-3104	·/	20,087	15/		•	39.000 19	
10	6/6/54	PMT	1K#1399				11,000	ון אינו <u>ן</u>	40,000 19	
11	6/7/84	PMT	1K#1400				8500	DO	148,500 19	
12	6/3/34	PMT	CK#1401		:		8500	ore	57,000 19.	
13	4/1/20	PMT	PK#1403	L			1,500	00	101500 19	
14	4/3/84	LLV	# 3105	ŀ	30, 744	66	/	<	40,750 53	
15	6/13/54	PMT	CK#1134	L			7,500	00	148,250 53	
16	6/14/84	PINT	NK#1135	L			11,000	CiC	154,250 53	
17	4/5/54	PMT	CK#1136				11,000	100	70,250 53	
18	4/15/14	PMT.	CK#1405				10,000	10	80,250 53	
19	6/20/80	ALY	#3106	Ŀ	23,753	29	/	<	56,497 24	
20	1/20/84	PMT	PK#139	L			9,500	00	165,997 24	
21	6/20/54	PMT	CK#1140	L		·	7,000	UZ	12,997 24	
22	6/27/84	ely	#3107	L	27,427	24	/		50,5495	
23	6/29/sc)	PMT	CK # 1146	L			9,00	1.17)	59,569 95	
24	6/30/84	LIN	#3109	L	12,341	4	<i>'</i>		47,178 51	
25	6/30/50	SLY	#3110	ŀ	25,418	75	<u> </u>		18,259 76	>

ACCOUNTS RECEIVABLE LEDGER

ENFORCERSENT SENSITIVE

Pg 21

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						LANCE	FORWARD	~	1/12,38 77	
`,	DATE	FOLIO	DETAIL	1	ر DEBIT بــــــ		CREDI	T	BALANCE	PREVIOU! BALANCE
1	4/11/84	PMT	18# 1352				3.50	15	165,385 77	
2	4/8/8/	Suy.	#3057	k	21.357	39	•		44,028 38	
3	4/18/84	PMT	CX # 1102		,		9,00	17	K3. 129 32	
4	4/20/84	PMT	CK # B58				13.785	<i>!</i> 7	16 6, 813 37	
5	1/24/84	PMT	CH # 1165				352		70,313 3%	
6	4/25/84	LUV	#3059	ŀ	14.612	57	/		55.708/	
7	1/2484	PMT	CK # 1384	L			3,200	المرك	58,900 8!	
8	4/57/84	PMT	1X71101				10,000	_	18,900 81	
9	4/30/84	Dar	#-3070		7,617	03		•	61.283 78	
10	4/30/84	IN	#3072	M	22,459	25		~	38,823 93	
11	4/30/84	She	# 3074	,	6,460	(7)			32,36393	
12	4/30/84	PMT	1441355				9.500		41,863 93	Will Villening
13	5/8/84	LUV	# 3060	٠,	17,337	43		. 🗸	24,526 50	William Comment
14	5/2/84	PMT	CK++1387				2,000	<i>L</i> -7X	36,526 50	
15	5/4/84	PMT	CK #1388				6200	000	32,726 50	
16	5/7/84	PMT	CK # 1108			•	7,500	١	40,226 50	
17	5/8/84	PMT	1K#1109				6,20	00	46,22650	
18	5/9/84	SIX	#3062	ŀ	12.082	29	/		34,34421	
19	5/4/84	FMT	CK#1111		<i>'</i>		12,111	50	41455 71	
20	5/15/84	dy	#3063	ŀ	18,896	11		_<	27.559 10	
21	5/15/84	PMT	CK #1391		<u> </u>		10,000	15	37,559 10	
.22	5/17/84	PMT	CK #1113	L			12,100	10	49,559 10	
23	5/17/84	PMT	CK#1114	L			13,000	171	62,559 10	
24	5/21/84	PMT	CK+1360	L			8,000	67	70,559 10.	
25	5/29/54	PMT	CK # 1394				13,00	10	23,559 10	
	AP) 7								/	****

ACCOUNTS RECEIVABLE LEDGER

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ADDRESS CITY

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	DATE	FOLIO	DETAIL	J	DEBIT	•	CREDI	r	BALANCE	PREVIOU: BALANCI
1	3/16/80	eler	#2973		19,337	59			12454203	
2	3/16/80	PMT	(x ±1080		,		11,590	60	141,132 103	
3	3/31/50	PMT	CK #10.53	L			8,364	20.	19,501 83	
4	المراجة المحارث	IMT	1K # 1585				2,987	5/)	152,489 33	
5	3/33/50	MIT	CK#1375				9500	U7;	161989 33	
6	3/07/54	PMT	CK # 1086	L		;	4,295	86	46.255 19	
7	3/25/54	[תנין	PK # 1088	L			7,100	25	23,385 44	
8	3/30/50	IN	#2987		7,410	67	,		65,97477	
9	3/30/54	DUY	¥ 2996	ŀ	10,812	86		•	55,16191	
10	3/30/80	PUY	# 3028	ŀ,	38,949	82		·	132,212 09	
11	3/31/84	DLY	#2985		3,202	29		V	29.009 80	
12	3/31/84	ANV	# 2988		16,224	93		•	12,784 87	
13	3/29/84	PMT	CK = 1089				1,525	86	14,310 73	
14	3/30/84	PMT	CK #1187				16.110	000	30,420 73	
15	4/3/84	PMT	CK # 1378				13,436	10	43,856 83	
16	4/4/84	PMT	CK# 1093				4,500	UZ	148,356 83	
17	4/4/84	NN	# 2997	L	2 628	86			45,72797	
18	4/6/84	Shel	#2998	Ŀ	17.848	74			27,879 23	
19	4/6/84	PMT	CK#B79				2580	901	30.460 13	
20	4/9/84	PMT	CK # 1380				11,200	8/1	41,660 99	
21	4/10/84	PMT	1K#1196	L			5,555	90	47,216 89	
22	4/11/84	LAN	#3056		13,856	97			34.35992	
23	4/0/84	PINT	1K#1381				2500	UT).	36,859 92	2000
24	4/3/80	PMT	PX # 1684				AITT	£72	55,859 92	7
25	4/16/8U	PMT	CK#1098				1,525	85	62,385 77	

ACCOUNTS RECEIVABLE LEDGER

Pg 19

	. `.				BAI	LANCE	FORWARD	→	(20,57 95)	
	DATE	FOL10	DETAIL	J	DEBIT	•	CREDI"	r	BALANCE	PREVIOU BALANC
1	2/17/84	JUY	#2439		1,058	25			(18,612 73)	
2	2/M 30	م کمرکز	#29:10	L	18,286				(50,326 56)	
3	1/17/50	PMT	1x # 100d	L	,		7,348	06	6-7/104 12	
4	2/06/54	PMT	CX #1065				7,219	30	134,895 -1	
5	2/23/20	PMT	CK#1152	L			6,300	5/	11.184	
6	3/24/50	JUV	#2943	Ŀ	1,689	46			139 100 51	
7	2/24/80	LUN	# 2944	L	16,394				153 100 22	
8	2/24/54	PMT	CK #1368	L	<u> </u>		13,216	60	166,310 52	
9	2/29/34	DRY	#2945	Ŀ	5,1.25	10			11.0,65552	
10	2/29/54	DLY	#2947	ŀ	17,147	65	-		13,538 17	
11	3/29/84	SLY	#2950	Ŀ	1,609	25			11,925 92	
12	2/09/84	LLY	# 2451	Ŀ	8,180	86		<	23,748 66	
13	2/29/50	DUY	#2995	L	18,362	10/		<	15,385 45	
14	2/24/84	PMT	CK # 1071	L	ļ <u>.</u>	_	14,500	5/	129,885 95	
15	3/1/84	PMT	CK # 1370	L			7,529	5()	137,415 45	
16	3/2/84	DNY	#2958	ŀ	6,303	53		_	31,11192	
17	3/3/84	eler	#2960		1,380	19		. <	29,731 83	7//
18	9/2/8 1	PAT	CK # 1072	L	Ĺ		4,10	07	133831 53	
19	3/5/84	PMT	CK # 1073	L			8,527	90	42, 359 73	
20	3/9/54	YUK	#2962	L	16,880	76		. (25,478 97	
21	3/9/50	shir	#2963	Ŀ	21.46	41		_<	22,832 56	
22	3/13/84	PMT	CK # 1076	L	ļ	<u> </u>	1,580	Cax	136,413 16	
23	3/14/84	PMT	CK#1077	L			4,345	10	154,705 26	
24	2/15/34	PMT	CK# B13				13,550	(cD)	148,255 5/2	
25	3/16/84	SIX	#2972		4378	94			1.15.89.192	

ACCOUNTS RECEIVABLE LEDGER

"ENFORCEMENT SENSITIVE"

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Pg 18

				BAL	_ANCE	FORWARD	→	(44095	31)			
DATE	FOLIO	DETAIL	j	DEBIT	,	CREDI.	r	BALANC	1		REVIO	
20/84	PMT	CK # 1001				5,00	00	149,095	3/			
23/81	PMT	CB + 1051				2,169	54	51,264	25			
25/84	PMT	CK #1148				4,752	1	56,011	95)			
27/84	LAIN	#2906	ŀ	16,558	94			(39458	- 4			
1/27/84	DUV	#2907		1,357	7/	神神	ţ ' <u>.</u>	37,900	30			
1/27/84	PMT	CK# 1053		12		13,520	80	51.421	10			
1/30/84	PMT	CK # 1360				3.018	18	154,439	28			
131/84	DNY	#2871	ŀ	5,759	24		\	48,680	/			
1/31/54	LAY	#2872		227	35		<u> </u>	47,952				
131/84	DAY	2914		9,397	71		~	38,554	98)			
1/31/84	DUV	2916		13,909	73		\	24,645	25			
/31/gul	VIV	2917		12,256	13	•	•	12,389	12			
1/3/18/1	INV	2918		3,479				8,909	45,			
1/31/84	PMT	1K#1361				0,992	3/20	19.901	8/			
2/5/50	Sir	# 2019		7,814	01			12,087	50			
15/34	PUT	# 2920		2,023		-		10,064	35			
2/3/84	INT	0K=1155				12,962	93	23,627	28			
16/30	PMT	CK# 1365				14,000		37,627				
17/54	PMT	CK # 1366				8,290	100	45,317	38			
18/54	PAT	CK # 1661				13,820	60	77	98			
2/9/84	PMT	CK #1662				14,00	17	75,137	98			
2/10/84	PNY	#3924		15,369	58			57.825	40			
2/10/84	DUV	#2925		/	3			154,948	57			
10/50	PMT	1K#1367				8,100	29	163,648	86			
2/15/84	PMT	CK# 1663).				7522	12	70,570	98			
	<u> </u>	CII 0 (19	14	,		/		·	لكسنسية			

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ACCOUNTS RECEIVABLE LEDGER

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Pg 17

				SAI	LANCE	FORWARD	→	(18,893	47)		
DATE	FOCIO	DETAIL	j	DEBIT		CREDIT	r	BALANC	Έ	PREVI BALA	
3/23/83	PMT	CK# 1347				19.000	2/1	37,893	68		
29/83	MAY	#2883	ŀ	8,701	43		_ <	29 192	05		
9/31/83	141	#2888	·	13,263	93		_ <	15,928	12		
2/31/83	DNI	#2889		95	1 1		_ <	15,832	22		
13/183	DNV	# 2890	ŀ	3,479	67			12,352	<u>55</u>		
1/31/83	SULY	#2891	L	2,323	60		_ <	10,028	95		
2/31/83	PAY	# 2892	1	9,215	00			(813	95		
2/31/83	DUY	# 2893	7	8,772	96			7,959	01		
12/29/82	PMT	CK#1138	L			14,594	04	16,635	03		
1/4/84	PMT	CK# 1041				11,640	80	118,275	83)		
16/84	JAY	# 2852	Ŀ	16,116	رسى			2,159	30		
16/84	SHY	#2884	L	676	1			1,483	08		
16/80	PMT	CK #1352	L			11,219	40	13,20	48		
1/7/84	PMT	CK#E53	L			14,999	11	27,701	59		
1/9/84	PMT	CK#11.43	L			4.128	96	(31,831	کی		
1/10/81	PMT	CK # 114				1.154	49	37,055	04)		
13/84	JUV	#28.55	ķ	19.827	16			15,157	98)		
1/13/80	LINI	#2856	L	1,298	53		,	16.859	45)		
1/3/84	FINT	CKF1556				16.469	24:	133,265	91		
1/18/84	PMT	CK# K45				5,546	75	(35,515	60		
1/18/84	PMT	CK+1646				7.610	10	46,425	20		
1/19/84	PMT	CK++1358				4,031	47	50,457	17		
1/20/84	DUV	#2899		18,547	90	,		(31,909	27)		
1/20/84	INY	#2900	ŀ	1,025	06			30,884	21)		
1/20/84	PMT	CKARAGE 9			·	15,211	10	44,00	31)		
RL 7		CCILIE				. – –		1			lares 6.0

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Pg 16

				BAI	LANCE	FORWARD	-	11.368	23>	•	
DATE	FOLIO	- DETĀIL	j	DEBIT	•	CREDIT	r	BALANG	ΞE	EVIOL	
1/30/83	MY	+2699	11.1	143	88			(11,224	اسحك		
1/30/83	DNY	#2856		18,715	96			-7,491	11.		
11/30/83	Ar	#2963		3,479	67		,	10,970	18		
1/30/83	LAY	#2904		2,146				13,117	76		
1/30/83	ARV	#2905		2,250				15,367	76		
12/1/83	PMT	CK#1018		7.		1,129	34/	9,238	42		
13/2/83	PMT	CK # 1619				17,981		18,742	85)		
12/5/83	PMT	CK#1339				1,228	15	> 0.71	00>		
12/6/83	PMT	CK#1027				9.112	64	25,083	64)		
12/7/83	PMT	CK #1341				4.996	24	130019	88		
3/9/83	SUY	#2845		528	60		~	29.55	28		
12/4/83	JUV	# 2847		4,682	75			24,868	1		
13/4/83	JUV	+ 2857		16,710	1		_ <	8,157	72		
12/4/33	INV	# 2861	Ŀ	1,726		-		6,431	27		
12/4/63	[m]	CK#1028				7.510	13	113,941	40		
12/0/3	MT	0/4#1242				6,229	10	20,170	50		
2/2/53	FMT	OK # 11.39				5/17	17	25,17	50		
12/3/53	דח!ען	1K # 1131				3,507	15	29.117	45		
2/15/53	PAT	PK # 1132				15,156	[£	44,174	25		
16/11/53	SKII	#2567		18.018	36	,		126,55	89		
12/14/83	DNY	# 2868		947				25,208	43		
12/16/83	PMI	CK#1133				7,200	17.6	32,468	43		
12/23/83	PAV	#2580		17,457	06			/14,951	32		
12/23/53	SUY	# 2881		257	90			14,693	47		
12/23/53	PINT	PK#1136				4,20	0	48,893	47		
3RI 7		CSIII I TAKE) /	-	 	2740

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				BAI	LANCE	FORWARD	→	(35,951	25)			
DATE	FOLIO	DETAIL	J	. DEBIT		CREDI	T.	BALAN	CE		REVIO	-
1928/83	PMT	CK#1318	П			1,829	35	143,780	63			
0/31/33	Sur	#2642		6,768	63	7		(31.012				
10/31/83	Jil	# 2644		1,952				35 159				
6/31/3	الأكر	# 2654		18,772	26		<	16,257	56>			
0/31/53	ILLY.	# 2645		2,1,20	03			13,658	53>			
0/31/53	KIN	# 2646	ŀ	10	86			13,587	67)			
10/31/83	DNY	# 2658	L	1,330	50			17,257	12>			
10/31/83	4111	# 2659	,; '	11,263	13			4,005	96			
131/83	ANY.	F 2661	٧	3.118	76			7,124	66			
1/1/83	PMT	CK # 1616		,		5,129	80	1,994	sic			
14/83	LNY	#2652		11,630	91			13,625	27			
11/4/83	الالا	*2653		1.154				14,780	36			
11/4/83	PMT	CK # 1324		/		9,5%2	59	داد کے	47			
11/7/5	FMT	CK #1302				2,267	20	\$1950	47			
14/53	PMT	CB #1010				3,129	46	1/19	إجر			
1/10/53	FMI	CK #1306				5,111	26	15,240	45)		44.44 4.541	
11/11/83	SAI	#2669		11,968	66			6,675	ارثه		Miller Miller	
1/11/83	PUV	= 2670		2492	00			9.170	2/			
1/15/33	PINT	CK+1331	L			6,009	13	3,161	08			
1/18/83	DUV	#2686	Ŀ	14,904	54			18,66	1			
11/18/83	LHY.	#2684		3,503	23	· ·		31.568	اہا	<i>\\\\\\</i>		
1/23/83	ANY	#2688	Ŀ	273				21,842				
/23/13	Dur	+2687		8,629				30,472	24			
1/29/83	PMT	PK#1017				49,211	68	18,739	44)			
1/30/83	SAY	#2698V		7.370	7/			11,368	13>			

RL 7

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					OAI	LANCE	FORWARD	→	29.2/23	23		
	DATE	FOLIO	DETAIL	7	DEBIT		CREDI	т	BALANG	EE		REVIOU
3	9/29/53	PMT	CK#1298		•		3 785	20	133,045	43'		
2	9/34/83	shir	# 2590	,	12,1571	40	/:		120,374	(3)		
3	1/30/83	SKY	2569		5,789	54			14,584	49		
4	9/30/83	1/1/1	21000		17.565	42	•		2,950	<i>Q</i> 3		
5	9/30/53	١٤/١/ للر	2607		91.59	2/		<u>.</u>	22,646	14		
6	9/50/53	الالا	2608		3/3	3/	,		22,953	45		
7	9/30/83	PMT	Ch #1299				2,908	56	24,044	89		
. 8	9/30/83	PMT	1/2/1×				17,111	89	2,933	<u>C1</u>		
9	10/1/83	2/41.	#2597	L	3,479	67			6,412	67		
10	10B/B	PINT	CK#1301		•		10,924	12	4,511	45)		
11	16/53	LUY	#2601		274	17			4,237	28)		
12	10/7/83	אטלע	+12619	L	20,443	72			16,256	44		
13	10/7/83	SIX	+2621	L	1,688	3/2			17,344	80		
14	17/83	RMT	CK#1313				12,511	511	4,833	30		
15	10/7/83	PMT	CK # 1308				11,433	66	6.650	36)		
16	10/11/83	PMT	CK#1310	L			2,511	96	(9.162	32)		
17	10/83	PINT	CK # 1311	L			7,211	00	(16,373	321		
18	10/1/83	LNY	# 2636		226				15,647	25)		
19	10/4/83.	<i>PXY</i>	#2637		15,833	60			186	35 - V		
20	14/53	PITIT	Ch # 1001			-	2,108	<i>30</i>	(1,921	95		
21	10/-1	PINT	CB#1312	L		<u> </u>	28,717	سحر	30,639	10}		
22	117/83	MINT	MX # 1313				14,880	7/2	45.519	86)		To the
23	10/ 1	1/1/	x 2638	L	1,864	77		_	43.655	19		
24	121/83	2/1.7	2639	-	14,914	44			28.74	10)	11/2	333
25	1/31/53	INT	2% ++ 1204	L			7.211	18	(3545)	25)	1	

ACCOUNTS RECEIVABLE LEDGER

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AME DDRESS Pg 13

				BAI	LANCE	FORWARD	→	10, 927	20	· '		
DATE	FOLIO	DETAIL	J.	DEBIT	•	CREDI	r	BALAR		p)	REVIOL	US T
31/83	dix	#2827		1.593	03			12,520	27			
31/83	eler	#2828		17,628	68			30, 148				
31/83	PMT	CK # 1264		,		2,63/	80	27,517	15			
1/83	JUN	# 2596		3479	67			30,996	82			
1/3	Sur	= 25-75	Ŀ	5,221	کدا	•		36,217	47			
2/83	f.mT	134 1267				6,345	89	29,871	58			
7/83	FMT	CK = 1270		•		15,000	ì	14.871	58			
19/53	Sur	#2573	Ŀ	11.770	91			24,642	49			
19/83	ifir	#2574	u	1517	مبح	· · ·		28,160	1 1			
15/33	PMI	CK+1274		<u> </u>		5,517	17	24,6ld	03			
2/93	PMT	PK # 1275		•				21.1.55	1			
253	PMT	(ドギノコフフ						18,422	li			
15/13	Pni	CK # 1278				14,501	20	4,421	42			
16/23	Mark	7235		15219	- برجي	·		5,970	77			
12:33	11/11	+ 25-5		بناء م				24,025	29			
12/63	PMT	(K#128)				11:15/	¥	13,568				
33	PMT	11/ = 1252				15,55	مريس	ولنام بلد	25			
. c . 63	InT	CK + 1287				1000	4/	2525	514			
2=/23	JNY	#25.42		16.257	تبري		·	18,753	<u>e</u> 3			
23/13	Jar	#2543		1625				25,370	1 1	11/13		
23/83		CK #12:9				9,235	!/	11, 144				
23/83	PMT	(K # 1292			·			3,618				
1/20/83	PMT	CK#1294				11,250						
27/83	PMT	CK \$297				21.631		/	· /			
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ACCOUNTS RECEIVABLE LEDGER

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Analysis Performed by ALAN Wehmerer. Reported Comptroller

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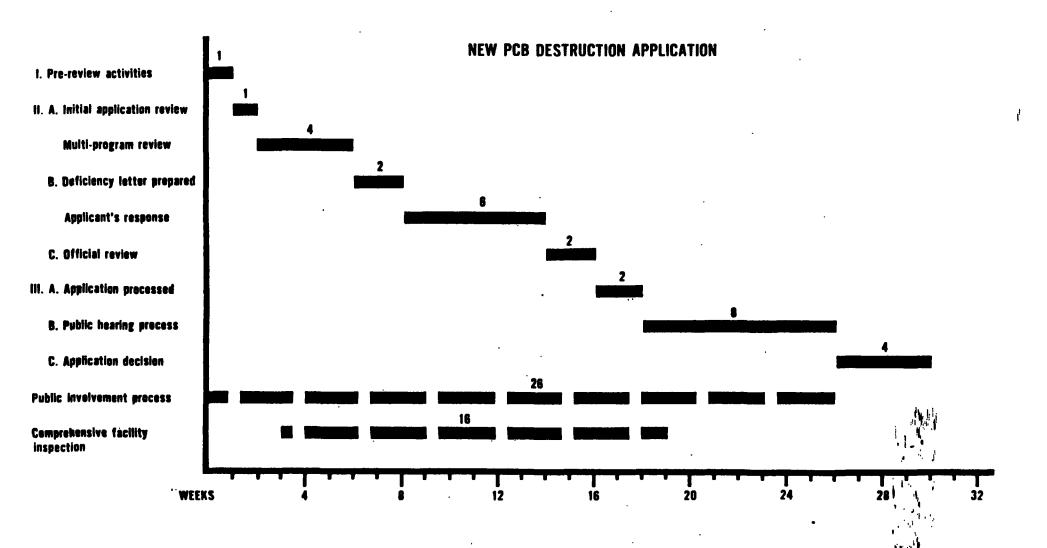
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Mr. Dwight E. Thomas Rose Chemicals PCB Division 2459 Charlotte Street Kansas City, Missouri 64108

Dear Mr. Thomas:

This is in response to your letter dated December 6, 1984, regarding the blending down of concentrated polychlorinated bipheryls (PCBs) to a level suitable for treatment in Rose Chemical's permitted PCB chemical treatment process. Chemical's PCB chemical treatment method has been approved (by EPA Region VII) for the processsing of wastes containing up to 10,000 parts per million (ppm) PCBs.

Under the PCB regulations (40 CFR 761.60(e)), PCB chemical destruction facilities must be approved as alternate methods of disposal. Approvals of alternate PCB destruction methods are issued by the U.S. Environmental Protection Agency (EPA) Headquarters in Washington for mobile PCB destruction methods, and by appropriate EPA Regional Offices for stationary facilities.

Whether issued by EPA Headquarters or an EPA regional office, EPA approvals for alternate PCB destruction methods are based on a formal demonstration that the chemical destruction process is capable of destroying the processed PCBs. After a demonstration has occurred, EPA evaluates the results and issues its decision to grant or deny approval to operate. Approvals of alternate PCB destruction processes may contain whatever conditions or provisions EPA deems appropriate to insure that the operation of the process will not present unreasonable risks to public health or the environment.

When EPA Headquarters issues a nationwide approval of an alternate (mobile) PCB destruction method, the approval is limited, for the most part, to the actual demonstration conditions. That is, approvals generally limit the concentration of PCBs in wastes to be processed based on the demonstrated

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AIR A E COMPLIANCE S. A.CH

levels, and, only allow the processing of the material using the approved (demonstrated) process. The processing of higher concentration wastes and changes in the destruction process, including modifications such as front-end blending down which is integral to the operation of the process, require another demonstration and would not be allowed under the existing approval. Amendments to the existing approval would be required.

From the limited description of your process which was included in your December 6 letter, it appears that you intend to modify Rose Chemical's currently approved PCB destruction process to include additional front-end processing and recycling. You also intend to process higher concentration wastes than you are currently permitted to handle. I have spoken with Leo Alderman, Chief of the Toxics and Pesticides Section in the Air and Waste Compliance Branch in Region VII, about your situation, and he concurs with me about the need for a new demonstration by Rose Chemical, if you desire to process PCBs in the manner described in your letter. Thus, your existing approval must be modified in order for you to proceed with the processing of wastes containing 100,000 ppm.

After you have completed a new demonstration, the Regional Administrator may, in his discretion, amend your existing alternate method approval to allow the processing of higher PCB concentration wastes using the newly demonstrated method (which includes the additional front-end processing step). The decision to issue this type of amendment will be based on a determination by the Regional Administrator that the alternate PCB destruction method has been demonstrated to achieve a level of performance equivalent to an incinerator or high efficiency boiler and that its operation does not present an unreasonable risk of injury to health or the environment.

If you have further questions specific to your permit, please contact Tony Petruska in EPA Region VII at 816-374-3036. If you have broader questions about EPA Headquarters policy in requiring demonstrations for proposed process changes, please contact Jared Flood at 202-382-3962.

Sincerely,

(SIGNED) DONR CLAY

Don R. Clay, Director Office of Toxic Substances

cc: L. Alderman
U.S. EPA - Region VII

T. Petruska
U.S. EPA - Region VII



2459 Charlotte Street Kansas City, Missouri 64108 (816) 471 7227

December 6, 1984

Mr. John A. Moore, DVM
Assistant Administrator for Pesticides
and Toxic Substances (ts-794)
Environmental Protection Agency
401 M Street S.W.
Washington, D.C. 20460

ATTENTION: John Moore, DVM

REFERENCE: Dilution of PCB Contaminated Mineral Oils

Dear Mr. Moore:

This letter is to address the issue of the blend down of high level concentration PCB contaminated hydrocarbons to a level suitable to be used as a feedstock to our Region VII EPA approved (alternate disposal method) reactor. Our reactor is limited to a 10,000 PPM feedstock and we have a need to handle higher contamination levels by dilution down to that level. We raised this issue in a letter (1-10-84) directed to Region VII, and were advised that such an issue was being addressed by Washington and ultimately we received a letter from Region VII dated August 30, 1984, with a negative response. Copies of our letter of 1-10-84 and EPA letter of 8-30-84 are attached.

We do not exactly understand the language of paragraph 4 of the EPA Region VII letter, however, a verbal explanation offered leads us to believe that the USEPA (Washington) position is that more PCB's are left untreated in a succession of dilute reactions as compared to the quanity left untreated in a single concentrated reaction such as an incinerator. Based on a 2 PPM criteria, this would be true if the complete batch of each of several succesive batches were considered a product of commerce and assumed treated and released.

If, however, a recycle of the 2 PPM product is effected as the diluting medium on succeding batches, the stated position of the EPA in their letter of August 30, 1984, would not be mathematically valid. There would be no additional release of PCB's and there would be no reduced level of process performance. We attached a schematic on the attached sheet that illustrates our point on this issue, utilizing the hypothetical 100,000 PPM feedstock suggested in paragraph 4 of the EPA letter.

DEC 13 1984

The fact of the figure district.



It should be noted that the operation of a resource recovery process, such as ours, is fundamentally different than incineration wherin no product recycle is possible. An incineration process (which incidently must inherently utilize a certain amount of dilution to meet thermodynamic criteria) does indeed have a diminished efficiency with excessive dilution as illustrated in the Region VII letter of August 30, 1984. In contrast, our process will make use of a recycle stream and in practical effect, this stream is never released, and the destruction efficiency of diluted feedstocks is never diminished.

Utilizing the concept of recycle of the reactor product as the dilution medium, we again formally request USEPA authorization to blend down higher concentration PCB contaminated hydrocarbons to a level suitable to be used as a feedstock in our already approved process.

It is our company's experience that there are inadequate disposal facilities available for treatment of higher PCB concentration materials, and such an approval would allow us to effect an economical resource recovery without compromising PCB destruction efficiency. We would appreciate your consideration of our request, and if further explanations or descriptions of our proposed process are required, please do advise us.

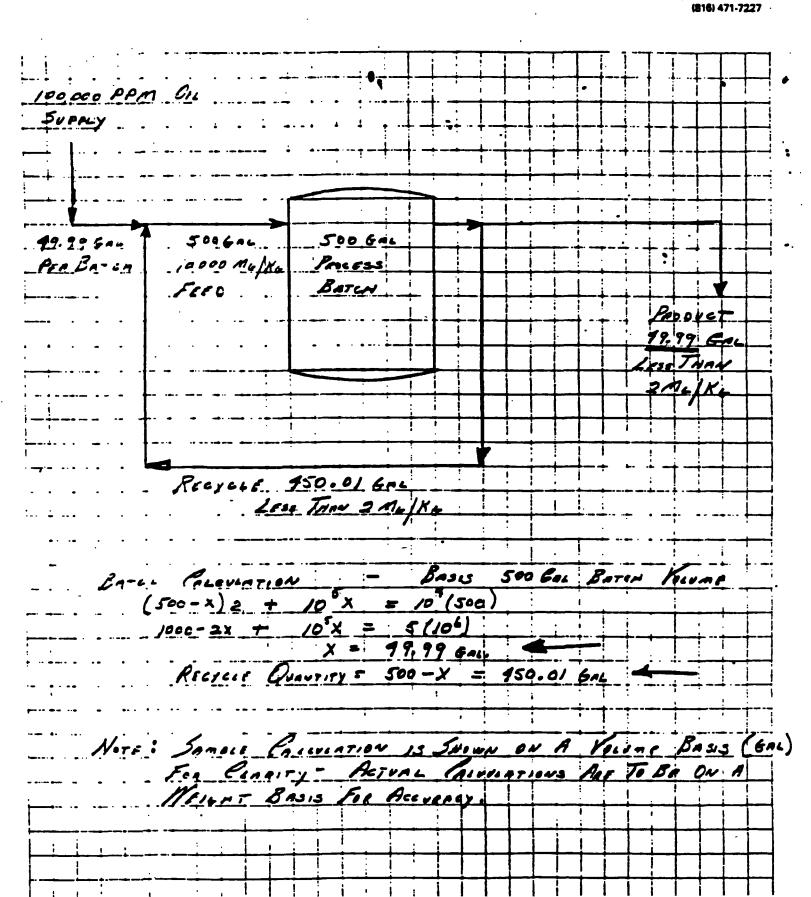
Thank you for your consideration.

1/2:-- 1 6/

Enclosure Rose letter of 1-10-84 EPA letter of 8-30-84

DET/ks

2459 Charlotte Street Kanssa City, Missouri 84108





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 324 EAST ELEVENTH STREET KANSAS CITY, MISSOURI - 64106

AUG 3 0 1984

Mr. W. Carolan. President Rose Chemicals 2459 Charlotte Kansas City, Missouri 64108 الخذا

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Dear Mr. Carolan:

The EPA Region VII Toxics and Pesticides Section has recently received a rule interpretation from EPA Headquarters, in Mashington, DC, concerning the "blend-down" of PCB liquids by chemical destruction disposal facilities.

The specific question was "May a disposal facility authorized to chemically dispose of PCB liquid at 10,000 ppm 'blend down' high concentration liquids to achieve a 10,000 ppm feedstock?"

The current PCB regulations require that unless specifically authorized, chemical destruction facilities approved to dispose of PCB liquid at a particular concentration level are not allowed to "blend down" higher concentration liquid for use as a reactor feedstock. Activities such as these at this time have not been approved by this Region and are considered to be in violation of the Toxic Substances Control Act (TSCA).

The "blend down" of high concentration PCB liquids leads to a potentially significant reduction in the overall level of performance of chemical disposal facilities. For example, if a chemical disposal facility is required to bring the PCB level of a liquid to less than 2 parts per million (ppm), the disposal of a 100,000 ppm liquid would require a destruction efficienty of 99.98%. The treatment of the same 100,000 ppm liquid to 2 ppm by first diluting ten times to 10,000 ppm yields a destruction efficiency of 99.98%. The end result is a reduced level of performance and more untreated PCBs. Additional "blend down" of the liquid would result in an even more reduced destruction efficiency.

If you have any questions, please call or write to Tony Petruska, Toxics and Pesticides Section, at 816-374-3036.

Sincerely yours,

RACEIVED HUE'S I BOY

Leo J. Alerman Chief, Toxics and Pesticides Section Air and Waste Compliance Branch



January 10, 1984

Mr. Marvin H. Frye
U.S. Environmental Protection Agency
Region VII
324 East Eleventh Street
Kansas City, Missouri 64106

Reference: Contaminated Oils Above 10,000 PPM PCB

Dear Mr. Frye;

During a meeting in the Fall of 1983, we discussed the blending of oils having contamination levels above 10,000 PPM with oils of low contamination. At that time, you stated that there was no problem with blending as long as we had no intent to circumvent PCB regulations by blending.

As you know, Martha C. Rose Chemicals, Inc., has an approval to process PCB contaminated mineral oil with a contamination level of 10,000 PPM or less. Much of the contaminated oil that we receive contains 300 PPM or less and it would be to our advantage to blend high part per million oils with low part per million oils to obtain a uniform feed stock for our destruction process.

Martha C. Rose Chemicals, Inc., formally requests a letter of approval to blend oils with a contamination level above 10,000 PPM with low PPM oils for use as reactor feed stock.

Since any processed oil must meet realistic detection limits for liquids (less than 2 mg per kg), this pretreatment blending should not be in violation of PCB regulations.

Thank you for your consideration.

Yours truly,

Dwight E. Thomas, Jr.

DET/lar

CC: Mr. Morris Kay



2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

August 31, 1984

Rubin McCullers U.S. Environmental Protection Agency Region VII 324 East Eleventh Street Kansas City, Missouri 64106



Reference: Martha C. Rose Chemicals, Inc. TSCA Docket No. VII-84-T-181

Dear Mr. McCullers:

As directed by the final order of TSCA Docket No. VII-84-T-181, I am submitting the following documents concerning the disposal of PCB transformers subject to the regulatory disposal date of January 1,1984.

- 1. Research and development approval to process five (5) PCB transformers.
- 2. A copy of the Interim Summary per item #14 of the above mentioned research and development permit.
- 3. A list of warehouse numbers in the order that the nameplate information was submitted to Washington, D.C.
- 4. A copy of the Washington, D.C. submittal.
- 5. Copies of analytical data for all processed items.
- 6. Copies of documents concerning the landfilling of transformer core materials.

Information voluntarily submitted to EPA on January 16, 1984 stated that 59,736.8 Kg. of PCB transformers requiring disposal remained on site after January 1, 1984. Twenty-one of these transformers were reported inadvertantly as PCB transformers when in actuality they were PCB contaminated transformers which after draining, are unregulated by the PCB rule. These transformers are indicated by an asterick on the lists.

Five PCB transformers (indicated by check marks on the lists) were disposed of by our research and development effort (item 2). This resulted in a reporting error of 23,048.6 Kg. leaving 36,688.2 Kg. of PCB transformers requiring disposal. Copies of analytical data have been provided to confirm the PCB contaminated status of these items. The remaining 36,688.2 Kg. of PCB transformers have been removed from the reclassification process, dismantled, vapor cleaned,



2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

and certified via the permit issued by Region VII. This was done in order to expediate disposal by August 31, 1984. Copies of analytical data have been provided for processed materials. All of the transformers listed were drained in late 1982 or early 1983. Any oil below the 10,000 PPM limit has been treated on site. Oil above 10,000 PPM was part of the shipment to Rollins Environmental Services as documented in the June 26, 1984 varification.

Untreatable transformer core material produced during the dismantling process was crated and shipped to U.S. Ecology for landfill disposal.

If you have any questions, please call me. Thank you,

Sincerely

Dwight E. Thomas

DET/ks Enclosures cc Rita Ricks

Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
324 EAST ELEVENTH STREET
KANSAS CITY, MISSOURI - 64106

JUL 8 1983

OFFICE OF THE REGIONAL ADMINISTRATOR

Mr. Walter C. Carolan, President Martha C. Rose Chemicals, Inc. PCB Division 2459 Charlotte Kansas City, Missouri 64108

Dear Mr. Carolan:

Thereby grant approval to Martha C. Rose Chemicals, Inc. to process Polychlorinated Biphenyl (PCB) transformers for research and development purposes as an alternate disposal method in the manner described to the Environmental Protection Agency (EPA). This approval is for research and development only and is subject to the attached conditions. The approval is effective for Martha C. Rose Chemicals, Inc., 500 West McKissock Street, Holden, Missouri 64040. The approval for research and development is granted under 40 CFR \$761.60(c) promulgated pursuant to \$6(e) of the Toxic Substances Control Act (TSCA) 15 U.S.C. \$2605(e).

Only the processed materials with non-detectable amounts of PCB will be considered non-PCB materials. All materials which contain detectable quantities of PCB shall be considered PCBs or PCB items and shall be managed accordingly. It is our understanding that there will be no emission of PCBs to the air or water (surface or groundwater). This approval is based on the Agency's present belief that the process described to EPA, Region VII, when properly managed, does not present a risk of injury to health or the environment and, within the confines of existing analytical capabilities, provides PCB destruction equivalent to an incinerator (40 CFR 761.70).

This research and development approval shall be effective on August 1, 1983, and shall be effective for six (6) months, until February 1, 1984. This approval may be withdrawn, or further conditions may be added to it at any time. Moreover, violation of any condition included as part of this approval (see attachment) may subject Martha C. Rose Chemicals, Inc. to enforcement action and/or termination of the approval.

If you have any questions or comments regarding these matters, please contact me. The member of my staff most familiar with this subject, Mr. Stephen Busch, Chemical Engineer, Permits Section, (816) 374-6531, can also provide additional information.

Sincerely yours,

alland. abramon, for

Morris Kay Regional Administrator

Enclosure

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2459 Charlotte Street Kensas City, Missouri 64108 (816) 471-7227

December 29, 1983

Mr. Morris Kay
Regional Administrator
U.S. Environmental Protection Agency
Region VII
324 East Eleventh Street
Kansas City, Missouri 64106

Reference: R & D Approval for PCB Transformers

Martha C. Rose Chemicals, Inc.

Attention: Mr. Stephen Busch

Dear Mr. Kay;

This letter and attachments are in response to Item #14 of the Research and Development Approval (Martha C. Rose Chemicals, Inc.) effective August 1, 1983, until February 1, 1984.

A summary of PCB transformers processed for the time period September 1, 1983, to December 31, 1983 is as follows:

Manifest No	. Generator	Warehouse	No.
093	Tecumseh Utility Authority	T-2479	· · ·
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092	Agassiz Jr. High School Fargo, North Dakota	T-2477	
090	Erie Mining Company Hoyt Lakes, Minnesota	T-2444	\sim
061	Sidney Electric Utility Sidney, Nebraska	T-1968	
061	Sidney Electric Utility Sidney, Nebraska	T-1970	
To	tal Pounds Processed18,931 Kgms8,605	1	(\mathcal{C})
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All components of the aforementioned transformers are currently in storage for disposal at M.C. Rose Chemicals, Inc., Holden, Missouri Facility. Eight hundred four gallons of PCB oil now in storage will be shipped to an EPA approved incinerator.

Cleaning of transformer cores is currently uneconomical but insulators and core housings can be cleaned efficiently.

The reduction in transformer volume significantly reduces hazardous waste landfilling costs. Transformer cores will be landfilled by U.S. Ecology, P.O. Box 578, Beatty, Nevada 89003.

All salvaged steel scrap, substantiated by analytical data (GC-ECD) as being .01 milligram per 100 square centimeters or less, will be sold to American Compressed Steel Company, Kansas City, Missouri. Insulators, substantiated by analytical data (GC-ECD) as being .01 milligram per 100 square centimeters or less, will be landfilled as municipal waste.

Martha C. Rose Chemicals, Inc., has complied with all conditions of the aforementioned Research and Development Approval and all applicable federal PCB rules and regulations.

Thank you for your cooperation.

Sincerely,

Dwight E. Thomas, Jr.

DET/lar Enclosures

ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENFORCEMENT NATIONAL ENFORCEMENT INVESTIGATIONS CENTER BUILDING 53, BOX 25227, DENVER FEDERAL CENTER

DENVER, COLORADO 80225

Dean F. Hill

TO

FROM

DATE October 1, 1984 2 2 2

K. E. Nottingham $\chi_{\mathcal{E}}$

Results of PCB Analysis of Samples from Martha C. Rose Chemicals, Holden, SUBJECT Missouri

> On September 4, 1984, eleven samples were received under official custody seal from Region VII. These samples were from Martha C. Rose Chemicals, Inc., in Holden, Missouri, and the Case File No. was VII-84-T-331. Analysis was requested for polychlorinated biphenyls (PCBs).

> Ten of the eleven samples contained detectable quantities of PCBs. The complete results are given in Table I. Four of the samples, -12, -13. -16 and -17 contained mixtures of at least, two Aroclors which were impossible to quantitate as the individual Aroclors. Therefore, the results were reported as Total PCBs. The detection limit for the swab samples was 10 ug for each Aroclor when no other Aroclors were present and in the presence of large amounts of another Aroclor, it was approximately 10% of the large amount. The detection limit for the oil samples was 10 ug/g for each Aroclor when no other Aroclors were present and in the presence of large concentrations of another Aroclor, it was approximately 10% of the large concentration.

> The swab samples were washed with hexane and the oil samples were diluted with hexane. All samples were cleaned with sulfuric acid then analyzed by electron-capture gas chromatography. A laboratory solvent blank was analyzed with the samples and it did not contain any significant interferences. Sample -12 was analyzed in duplicate with results of 560,000 and 430,000 for an average of 500,000 ug/g Total PCB. Sample -11 was spiked in duplicate with 50 ug/g of Aroclor 1260 and the recoveries were 62 and 84%.

Attachment

Table I

Swab Samples

Sample <u>Number</u>	Amount o Aroclor 1242	f PCBs Present of Aroclor 1254	n Swab, ug Aroclor 1260	Total PCB
080784285001-07 -	1,800	ND	ND	1,800
- 08 -	89	64	ND	150
- 09 -	ND	160,000	ND	160,000
-10 -	ND	13,000	ND	13,000
-13	-	-	-	700
-14 —	ND	ND	140,000	140,000

Oil Samples

Sample	Concentration of PCBs, ug/g					
Number	Aroclor 1242	Aroclor 1254	Aroclor 1260	Total PCB		
080784285001-11	ND	ND	ND	ND		
-12	-	-	-	500,00 0		
- 15	ND	5 50	ND	5 50		
-1 6 -	-	•	-	13		
- 17 -	-	-	-	31		

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ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENFORCEMENT NATIONAL ENFORCEMENT INVESTIGATIONS CENTER BUILDING 53, BOX 25227, DENVER FEDERAL CENTER

DENVER, COLORADO 80225

TO

Leo Alderman, Chief Pesticides and Toxics Branch, Region VII

October 4, 1984

FROM

Dean F. Hill, Chief Doc Will Pesticides and Toxic Substances Branch

SUBJECT

Results of Polychlorinated Biphenyl (PCB) Analysis, Martha C. Rose Chemicals, Holden, MO.

Enclosed is the analytical report for the determination of PCBs in eleven oil and swab samples taken by your office in connection with an official investigation at the subject site. In summary, ten of the eleven samples contained detectable PCBs consisting of various Aroclors and complex mixtures. One oil sample was ca. 50% PCB and two swab samples exceeded 100,000 ug/wipe. custody sheets are also enclosed.

Enclosures

David Tripp, Esq.

Regional Counsel, Region VII

RECEIVED

OCT 15 1984

AIR AND WASTE CUMPLIANCE **BRANCH**



UNITED STATES ENVIRONMENTAL PROJECTION AGENCY

December 24, 1984 MEMORANDUM

SUEJECT:

eneck in Settlement of a Civil Penalty Case

CEAST FIELDS

FRC:1:

and Reid

Regional Hearing Clerk

TC:

William H. Myers

Chief, Financial Management Section

Attached is a check received in settlement of a civil penalty case under the Toxic Substances Control Act, as amended.

> Docket No. VII-84-T-181 Firm Martha C. Rose Chemicals, Inc.

Amount \$23,000.00

Please deposit the check in Miscellaneous Fines,

Account No. , Agency No. 68-01-1007.

Attachment: Treasurers Check No. 561380, dated 12-20-84

Mercantile Bank, Kansas City, MD

cc: Leo Alderman, TOPE

> Henry Rompage, CNSL . Marvin E. Jones, ADLJ

RECEIVED

DEC 26 1984

Mercantile Bank . and Trust Company Kansas City, Mo. 54106 BACK

Martha C. Rose Chemicals, Inc.

MERCANTE 23.000 dol's OOct

U. S. Treasury

PAID UNDER PROTEST

Rose Chemicals PCB Division

File

2459 Charlotte Street Kenses City, Missouri 64108 (816) 471-7227

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

June 26, 1984

Mr. Rueben McCullers Environmental Protection Agency Region VII 324 East Eleventh Street Kansas City, MO 64106

> REF: Martha C. Rose Chemicals, Inc. TSCA Docket No. VII-84-T-181

Gentlemen:

As per the final order on the referenced documents, we are attaching verification that we have disposed of both high part per million oils as well as capacitors as agreed to in our consent agreement.

The materials were sent to Rollins Environmental Services for incineration, and we attach copies of the following itemized documents:

Invoice #	Date	BL#	Weight	<u>Material</u>
104552	03/30/84	59810	43,600 1b.	Hi ppm oil
104679	03/31/84	60141	48,120 lb.	Hi ppm oil
105740	05/08/ <u>8</u> 4	60677	33,320 1ъ.	Capacitors
105782	05/10/84	60759	35,280 1ъ.	Capacitors
105642	04/30/84	60616	30,880 1ъ.	Capacitors
105691	03/04/84	60649	35,360 lb.	Capacitors

SUMMARY:

Capacitors = 134,840 lbs. Hi ppm oil = 91,720 lbs.

Verification regarding the PC5 transformers shall be furnished to you prior to September 5th, showing that we have disposed of this material also.

If you have any questions, please do not hesitate to call myself or Dwight Thomas.

Sincerely,

Walt Carolan

Martha C. Rose Chemicals, Inc.

REC'D. 'JUN 27 1984

AIR & WATER

WC/cjct



AND ANTRONMENTAL SERVICES OF THE

TEER PARK 713-479-6001

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INVOICE NO NO 105782 CUST NO 01274 DATE 05/10/84 PAGE

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ROSE CHEMICALS INC. 2459 CHARLOTTE ST

KANSAS CITY MO 64108 ATT: ACCOUNTS PAYABLE

CARRIER REFERENCE

CUSTOMER REFERENCE

STREAM NO. & DESCRIPTION

COD

H 12279

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ROLLINS ENVI MENTAL SERVICES (TX) INC.

3 : 2027 BATTLEGROUND RD DEER PARK

713-479-6001

TX 77536

NO CUST NO 01274 DATE 03/30/84 PAGE

BALANCE DUE INVOICE

ROSE CHEMICALS INC. :2459 CHARLOTTE ST.

KANSAS CITY, MISSOURI

ATT: ACCOUNTS PAYABLE

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CAFFIER REFERENCE MF.T 232370

H 11868 COD PCB LIQUID

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NIRONMENTAL SERVICES

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DEER PARK

713-479-6001

INVOICE NO 104552 CUST NO 01274 DATE 03/30/84 PAGE

ROSE CHEMICALS INC 2459 CHARLOTTE ST

KANSAS CITY MO 64108 ATT: ACCOUNTS PAYABLE

CUSTOMER REFERENCE

COD

STREAM NO. & DESCRIPTION

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PCB LIQUID

CARRIER REFERENCE MAT

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INQUIRIES: PLEASE-PHONE KATHY TOUGRIN

REATT) TO: P.O. BOX 96233

THICAGO :

ATTACHMENTS:

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ROLLINS ENVIL MENTAL SERVICES (TX)

2027 BATTLEGROUND RD
DEER PARK
713-479-6001

TX 77536

BALANCE DUE INVOICE

120016

ROSE CHEMICALS INC. 2459 CHARLOTTE STREET KANSAS CITY, MISSOURI

64108

ATT: ACCOUNTS PAYABLE

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CUSTOMER REFERENCE

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H 12279 PCB CAPS CD

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ROLLINS ENVIRONMENTAL SERVICES (TX. INC.

2027 BATTLEGROUND RD DEER PARK TX 77536 713-479-6001 INVOICE NO 104:75 CUST NO 01274 DATE 03/31/84 PAGE 1

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ROSE CHEMICALS INC 2459 CHARLOTTE ST

KANSAS CITY MO 64108 ATT. ACCOUNTS PAYABLE RECEIVED

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AT 713-479-6001 NITH ANY QUESTIO

REMIT TO: P.O. BOX 96233

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2027 BATTLEGROUND RD DEER PARK 713-479-6001

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ROSE CHEMICALS INC 2459 CHARLOTTE ST

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ATTACHHENTS:

COPY TO 1 2459 CHARLOTTE ST

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ROLLING INVIRONMENTAL SERVICES (TX INC.

2027 BATTLEGROUND RD TX 77536 DEER FARK 713-479-6001

INVOICE RECEIVED MAY 1 4 18 PAGE 05/04/84

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ROSE CHEMICALS INC 2459 CHARLOTTE ST

KANSAS CITY MO 64108 ATT: ACCOUNTS PAYABLE

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1	.60643 5/02/84 TDWR875860	1108	TREATMENT-PCB'S	35360.00	LPS	.4500	15, 912.
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A SERVICE CHARGE OF 1.50% PER MONTH WILL BE CHARGED ON PAST DUE AMOUNTS.

INQUIRIES: PLEASE PHONE KATHY DUBBIN AT 713 479 6001 HITH ANY QUESTI

REMIT TO: P.O. BOX 96233

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COPY-TO: 2459 CHARLOTTE ST

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P.O. BOX 509, DEER PARK, JEXAS 17536 Telephone: (713) 479-5011	HO HO. HD-32279-39-G/D CD-
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ROSE CHEMICALS INC 2459 CHARLOTTE ST

KANSAS CITY MO 64108 ATT. ACCOUNTS PAYABLE

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COPY-TO: 2459 CHARLOTTE ST

ATTACHMENTS:

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TATES ENVIRONMENTAL PROTECTION CENCY

October 26, 1984

Walter C. Carolan, President Hartha C. Rose Chemicals, Inc. PCB Division F2459 Charlotte Street Kansas City, Missouri 64108

Dear Mr.: Carolan:

Re: TSCA No. VII-84-7-181

We have reviewed the issues raised in your letter of October 23, 1984, and your request for a meeting and post-ponement of the due date for payment of the remainder of the givil penalty.

In response to your request, we are granting you a fifteen (15) day postponement of the payment of the civil penalty.

We are also granting your request for a meeting. The meeting agenda will be in two parts. First, EPA will make a presentation of its position on each of the issues raised. Second, you will be given the opportunity to comment on or ask questions about the points raised in the EPA presentation.

The meeting will be held in the EPA Regional Office at 10:00 a.m. on Thursday, November 1, 1984, in the Ninth Floor Conference Room.

Sincerely yours,

Henry F. Rompage Attorney Office of Regional Counsal

CNSL:HFR:emm-10/26/84-X2186-Disk 6

CONCURRENCES									
SYMBOL									
SURNAME	Rowfage								
•	10-26.84	•							

2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

Reference, Paragraph 2:

- A. An interim has never been issued to M.C. Rose Chemicals, Inc. to process PCB transformers.
- B. The three (3) year PCB transformer permit became effective July 1, 1984. A thirty (30) day advance notification was provided to the Regional Administrator and all state and local officials making this permit operational August 1, 1984.
- C. The above mentioned permit does not state that cores must be land-filled nor does the permit application state that transformer cores will be landfilled unless necessary.
- D. PCB transformer reclassification was halted in favor of the Region VII permit. This permit allowed faster disposal of the remaining material.
- E. Our records indicate that the August 7 through 15, 1984, inspection was completed prior to the compliance date of August 31, 1984. Any conclusions from this inspection that material was not disposed of by August 31, 1984, are not valid.

Reference, Paragraph 3:

A. Documentation was hand carried to Mr. Ruben McCullers, Region VII September 5, 1984. A copy was also sent to the regional hearing clerk by certified mail August 31, 1984.

Pursuant to the above, we would request the following:

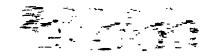
- 1. A deferment of the seven (7) day period in which we are to pay the civil penalty.
- That a meeting be scheduled to discuss the aforementioned areas in which we disagree with the USEPA conclusions, and wherein we will present what we feel are facts illustrating our proper performance of this agreement.

Your early reply will be appreciated.

Sincerely

President, Rose Chemicals

UNITED ATES ENVIRONMENTAL PROTECTION SENCY



OCT 1 0 1984

MEMURANDUM

SUBJECT: TSCA Docket No. VII-84-T-181

FRUM:

David A. Wagoner

Director, Air and Waste Management Division

TU:

Dave Tripp

Regional Counsel

On July 2, 1984, after a negotiated settlement, a Consent Agreement and Final Order was signed wherein EPA deferred \$23,000 of a \$30,000 penalty for violations of the PCB Rules and Regulations. If the Respondent, Martha C. Kose Chemical, Inc., failed to comply with Paragraphs 1, 2, and 3 of the Final Order, the \$23,000, plus interest, would be payable.

Based on the attached reviews of the two documents received from Respondent and information gained during a recent site visit, we find that Respondent has not documented compliance to Paragraphs 1, 2 and 3 of the Final Urder.

We therefore recommend that the attorney of record, Mr. Henry Rompage, initiate the appropriate action necesary to collect the due penalty.

Attachment

ARWH/AUCM/TOPE:RBMcCullers:ran:9/26/84:x3036

CONCURRENCES								
SYMBOL	TOFE	TOPE	AVC11	ARI:	afim			
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CAPACITORS

The June 26, 1984 letter from Walt Carolan concerning Martha C. Rose Chemical, Inc. (MCR), compliance to Paragraph 1 of the Final Order for TSCA Docket No. VII-84-T-181 has been reviewed. Paragraph No. 1 states "Respondent shall provide by June 30, 1984, documentation that it has properly disposed of all PCB capacitor core material on hand, and subject to the regulatory disposal date of January 1, 1984, by May 15, 1984." We compared their statements to the information gathered during the August 7-15, 1984 inspection. We have the following comments.

- 1. The letter documents four shipments of capacitors totalling 134,840 lbs. The material log for the 1981 and 1982 received capacitors does not list any capacitors as shipped for incineration, so this claim is not directly verifiable; however, the 134,840 lbs. exceeds the capacitors received in 1982.
- 2. We found on site 16 capacitors (Item No. C-2120) that were subject to the Final Order. They were not disposed. Pho!
- 3. The 1984 material log for Manifest No. 0453 indicates that on January 10, 1984, Rose received seven items (pallets or drums) of capacitors totalling 2,315 lbs. Two capacitor items were processed on January 11, 1984, but there is no record of disposal of the cores. Five items were not processed by the date of the inspection.
- 4. We found on the site a drum (Item No. 4A-2648) containing cores from 28 capacitors from Item No. C-2152A, 14 capacitor cores from Item No. C-2150A, and 24 cores from Item No. C-2147B. All three capacitor items are subject to Paragraph 1 of the Final Order.
- 5. We found a drum that contained capacitor insulators from approximately 50 capacitors received in 1982 by MCR.
- 6. Two drums (Items Nos. A-118 and A-119) were found that contained cores from 24 items of capacitors received in 1982 by MCR.
- 7. One drum (Item No. 4A-189) was on site that contained cores from Item Nos. C-1119 and C-1131, both received in 1982 by MCR.
- 8. One drum (Item No. A-199) was found that contained capacitor cores from Item No. C-1583. The Item was received in 1982 by MCR.
- 9. One drum (Item No. 4A-429) was found that contained capacitor cores from Item Nos. C-1951 and C-1954, both received in 1982 by MCR.
- 10. One drum (Item No. 4A-715) found that contained capacitor cores from Items Nos. C-1082, C-1083, and C-1085. All three items were received in 1982 by MCR.

Although the Final Order specified capacitor cores, there is no record documenting proper disposal of capacitor oil. If the oil from the core is considered "cores" then it would require incineration. The high ppm PCB oil (\geq 10,000 ppm) shipped to Rollins for incineration may have contained some of this oil. However, we determined that more high part PCB oil was stored at the facility than could have been shipped to Rollins. If the capacitor oil is not core material, it would not be subject to the Final Order.

PCB TRANSFORMERS

The August 31, 1984 letter from Martha C. Rose concerning their compliance to Paragraph 2 and 3 of the Final Order for TSCA Docket No. VII-84-T-181 has been reviewed and compared to data gathered during the recent inspection.

Paragraph 2 and 3 state:

- "2. Respondent shall properly dispose of all PCB transformers on hand and subject to the regulatory disposal date of January 1, 1984, by August 31, 1984.
- 3. Respondent shall provide by September 5, 1984, documentation that it has properly disposed of the transformers in Paragraph 2, by August 31, 1984."

The following are our comments:

- 1. The facility provided insufficient documentation that oil above 10,000 ppm was shipped for incineration. Approximately 10,000 gallons (91,720 lbs.) of PCB oil was sent for incineration in early 1984; however, the facility had approximately 19,500 gallons of oil greater than 10,000 ppm PCB that should have been disposed. No facility records were available indicating what oil was shipped from the facility. At the time of the inspection the facility did not have a "first-in tank, first-out tank" policy. Their oil records were reported as first oil in building is first oil processed or shipped. No efforts were made to handle the oil in that manner resulting in several drums of oil recorded as disposed being found during the inspection.
- 2. The facility could not provide complete documentation that oil less than 10,000 ppm PCBs was treated prior to August 31, 1984 as required by the Final Order. There were incomplete records of processing PCB oil generated by draining transformers or by flushing transformers which were initially less than 10,000 ppm. Solvents used in flushing PCB transformers that are greater than 10,000 ppm are required by the "no dilution policy" to be incinerated.
- 3. Information provided to the inspectors during the facility inspection indicated that the PCB transformers were reclassified as PCB-contaminated transformers prior to disposal under an EPA (HQ) issued reclassification authorization.

If any PCB transformers were converted to PCB contaminated transformers prior to disposal, the facility had insufficient documentation showing that the equipment was actually in-simulated-service for 90 days as required by the authorization. During the inspection we collected records documenting that four of the listed transformers (Item Nos. T-1616, T-1618, T-1788, and T-2500) were in-simulated-service less than 90 days. There are also problems with the actual simulations since the projected PCB concentrations were lower than projected.

4. The August 31 letter states that all PCB transformers were removed from the reclassification project and were instead degreased under a Region VII Approval.

If all PCB transformers were removed from the reclassification line and degreased as the letter states, the degreasing authorization requires that processing must not start prior to August 12, 1984, thirty days after they notified EPA (July 13, 1984) and local officials. With the information on analysis provided in the letter, we determined that 24 of the PCB transformers were analyzed prior to August 12, 1984. For those analyzed after that date, we determined from documents collected during the inspection that all were reported "processed" before August 12, 1984, except those sent to U.S. Ecology, a PCB landfill.

5. The five PCB transformers processed under the degreasing R & D approval were reported to EPA Region VII as degreased prior to December 9, 1983; however, dismantling records collected during the site inspection indicated dismantling in July 1984. No documentation is available explaining why the transformers were dismantled during July 1984. If dismantled then, the cores would still be on site.

All transformer cores removed after May 8, 1984, should still be on site since that is the last known shipment to U.S. Ecology, a PCB landfill. Although the letter claims this material was landfilled prior to August 31, 1984, MCR did not provide documentation of disposal.

In summary, the information provided by MCR is not sufficient to document proper disposal of the PCB transformers prior to August 31, 1984, as required in paragraphs 2 and 3 of the Final Order.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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FOIA Exemptions 6, 7(e)

July 11, 1355

Mr. Peter Roman
Professional Staff Investigator
Subcommittee on Energy, Environment
and Natural Resources
Committee on Government Operations
douse of Representatives
Washington, DC 20515

Dear Mr. Roman:

This letter is in partial response to the letter of June 27, 1936, from Congressman Mike Synar, Chairman of the Subcommittee on Environment, Energy and Natural Resources. Lee Thomas, the Administrator of the Environmental Protection Agency (EPA) will be responding to Congressman Synar's letter.

Chairman Synar has asked for certain EPA documents, described more fully in his letter. The enclosed copies of documents is in partial satisfaction of that request. I anticipate the copies of the remainder will be sent to you later next week. In order to expedite the furnishing of documents requested by you and Ar. Fillotson, we have provided certain documents to Mr. Fillotson and to you with the general understandings outlined below.

In our discussions in this office, you and Mr. Terry Tillotson, General Accounting Office, agreed generally to the following procedures.



and the contract of the contra

4. 5.

In addition to copied documents, we request that any information which you may come into possession of as a result of review of EPA documents, which may constitute "enforcement sensitive" information, not be disclosed other than to members of the committee for official purposes, without notice to this office. Of course, my staff and I will be available to discuss any questions on these issues with you.

We will continue to cooperate with your inquiry, and will be available for discussion on these or other issues.

Sincerely yours,

David R. Tripp Regional Counsel

Enclosures

blcc: Ron Ritter

Henry Rompage Scott Pemberton

Regional Counsel

CNSL: DRTripp/ARSteincamp: jc: x251:7/11/36

Oisk #0

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PLEASE PRINT NAME

DATE

TIME

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SIGNATURE

JOHN ASHCROFT GOVERNOR

FREDERICK A. BRUNNER

Director



DEPARTMENT OF NATURAL RESOURCES

Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks and
Historic Preservation

CONFIDENTIAL

MEMORANDUM

DATE:

April 15, 1986

JOX:

TO:

File - Rose Chemical Investigation, Johnson County

BRANCH

FROM:

Don W. Boos, E.S. IV

SUBJECT:

Telephone Conversations Related to Rose Chemical Company

Holden, MO

At 12:44 p.m. on October 30, 1985, I placed a call to the at at Gillcrest Implement (816/732-5543), his employer and spoke to him at some length. When asked about his former employment at Rose Chemical he said there was quite a bit he could tell me. He said that at the company no standards are met and leaks are common. He said the emergency berms around the outdoor tanks "won't even hold water." He said this was particularly true of the northwestern most berm.

He said he also knows they pump contaminated oil through lines that are supposed to be for uncontaminated oil. He said one such line was broken into in an accident and there was a lot of sludge in the line. He said there were two spills which all leaked down to the creek area. He said the storage tanks leak and always have. The ground is saturated with oil around the tanks. He said the northeastern most tank leaks so bad they use rags etc. to soak up the oil and keep the soil surface covered with gravel to hide the oil beneath.

also reported that the concrete curbing within the plant consists of new concrete poured on top of the old. He said the concrete curbing therefore isn't sealed to the old, but merely sitting atop of it. Any spillage can leak right through. The concrete floors are porous and to his knowledge were never sealed. He said if the company ever moves, cleanup will have to include hauling out the concrete floors. When asked what his duties were he said he was a maintenance mechanic doing jobs like installing pumps and motors.

He reported they had "...terrible NEC violations" related to their electrical setups. He said he was also aware that they experimented with chemicals on the cores and that they 'updated' barrels.

He said they had a kid named Dean (?) whose job it was to cut the top off transformers. He said during the entire month of July and the first half of August 1985, this young man was assigned to gut the

tops off of transformers with an air/arc torch. This, he said, would certainly cause release of dioxin, into the air. He said Dean was fired because he spilled some material into a pit in the reactor room. He said this pit was spilled in numerous times. This pit was located in the reactor room and right in front of the old maintenance room, just southeast of the paint booth. He said the pit was kept covered, but was a sort of low bay area.

There were reportedly also pits to catch water and recirculate it to the vapor degreaser. The system not only recycled their water but was also hooked into the water and sewer systems. He said Rose's managers knew at times flow went to the sewers. He implied personal knowledge of the sewer branch finally being plugged; he also said the truck bay also had a drain to the sewer that was eventually plugged. He said he had heard Francis Parsons make statements that the wastewater ...shouldn't be going to the sewers and said it had to be remedied in the near future.

He said he believed some of the characters in charge at Rose were "...dangerous men I would say." He said he recently, with all the local outcry against Rose, had threats made by telephone to his baby sitter to the effect that he should "Keep an eye over his shoulder..that we will get your boy..", if he didn't keep his mouth shut. He said Francis Parson or Pat Perrin were the type would do this and only part of a very few who knew who his sitter was. He said he would testify if given a subpoena and given protection as well.

When asked about others wi	no might be able t	to testify to t	hese facts
he said that	a truck driver	(once a superv	isor) might
help. He said	of Chilhowee	might help, bu	t he had no
phone. of Ho	olden should have	some facts and	can be
reached at Martin's T.V. S	service owned by	(fa	ther?).
	•		
In another phone call with	7	on the	afternoon
of 12/2/85, I learned of a	phone conversati	ion he had had	with
(816/732-4566). I	le also said he'd	call EPA, but	I'm not
certain he did so.			

He said Ms. Stevens, whose place is at the edge of Holden, said her son used to work at Carolan's facility and they had her son take out an old tank and burn it out at their place. The tank had about 10 gallons of oil in it. Now a test of their well water shows 1 mg/l of PCB. The lab who did the tests, reported, was a County or State Lab in Warrensburg. The soil in the area apparently wasn't tested as the lab said they couldn't do the test. The barrel was burned out about 50 feet from the well site.

She said her son also took transformers to "Lazy Lake" three (3) years ago and dumped them in the lake on orders from his bosses at Rose.

She described "Lazy Lake" as being out 131 to Elizabeth Street about 1 mile after the street turns north off to the left. (looks to me from topo like lake at NW 1/4, SW 1/4, of Section 2, T. 45 N., R. 28 W. said it seemed she said the tank had Carolan's name on it, but he wasn't sure.

She said her son Ron told her that there was a pit in the rear of the building inside which was a tank. The company used water to float the tank to the top. They routed water to do this around the city's meter and also emptied the water used to do this into the city's sewers.

On 1/21/86, at 1:15 p.m. I received a call from again. He said he would pass this information to EPA as well. He said a had talked to him and had just today quit working at Rose. He said that Dow Chemical has told that no welding is to take place within 500 feet of PCB materials, but the American Steel Welding does work within 500 feet in the plant. He said this firm electrically does the welds to make the tanks. Said he worked on the cap line and that EPA rules say the transformers are to be drained well before cutting. He said this isn't done and oil soaks through the cloths and causes chemical burns despite the white uniforms. He reported that he wore a respirator at the plant for 1 1/2 years. He was unaware of any direct connections to the sewers within the plant or on the back dock.

DWB/rb -

10/24

Worked in Office Said of laborday. I weeker ago a big spill - freend Jene. norten told me. Congrany felt 90 days on PCB line enough. take bee he developed the PCB line. Flire Bales : knows where wennes is working now. Dennie his has been gone rince may. There was a napalm bomb in the labratory appear 8' X 2' descrite I don't know whether its there now. The were theying to get a government control le dississable the bonbs. Everyday simples are token from babie PCB concentrations up to 700,000 pts per millians. sit but I dent know where it pumps approx 17 tanke full of continuet bulking right blisight sow on outer.

alto a spell on hell by tenke There was a five in lug 1st a 2nd week Motor punying ail of tanker lacated or side under the ren out of goo caughi on five and pan around motor for of contaminated ail pan about _ 4' X 2'2' - tank get so hat that the when hatches were open some. came out. Stark William - lead man for amer. Steel. Custice sola looke like rock self gets very hat when N=0 deldel It, put in keretor / of chem. used. Dis. rued Westlott & Moreland: Had several sheets new employees head & signed 1. en hagardour waste sekrowledgne I on cleaning spill 1. what to do. - first aid Pat Petrin Read of Transportation What does PCB smell like netallic & nusty. Been told a plant rune only 6 yrs

then moves on. Dwight, Pat Walt - clase friends Sharan Hayer assistent in lat. They took 50 basselos Conlancia oil down to So. Building after spill Set of Books on Envelomental Kazan Naw to take down a hearter aleeording EPA standards One time got labels confused ded tests but delat come out right the Company last 70,000 With the transformers) - flushed We diesel sil, set fr. 18 hw powel out. Send them on their way, list to much to continue probess more than once. He sup that in dealing with "Phonies" that they were in thouble and were infact to weeks behind schedule so the books were kun six weeks aheal. Ke states every Thursday their truck goes to the city and pulles! up the chemicals they need for

The reactor

Ne also States Todd Pape is

the only one who would clean

The tanks. He was also faid

druble money.

The individual also states

that they have entry bassels

and habe been buying more

from A-1 Barrels Co. out of

tanks lity, No.

The address of the Carslen

O. in K.C. Mo is:

21. C. Carslen Co.

245-9 Charolette

K.C. Mo.:

markele cover of beiere that we appeared the hole not down at the fattern, We ded this after lunch, they did deride to sterwit out while it weren it eider There was some itief incides bronuse when we tried to set it it ive all only go an far til you would mut with sei time and they were weake of this. Veryand I get a pulley to lower someone in it. Pat was the bors and Hard Parcon was working with it also. He but the heaves back together with the halte and we got a hope. We cheeked it out. We went up and get him some bestered parte and a free much and country buckets and chavel. Hard must repeate talked to Terry We tick a bucket anto the pape and Visig was gaing to put his feet esto it and be lowered down. He west down a little every eate The trake. He had himmask on and then The said want a minute and took his muck off I don't server bes him putting it back on He mile the Genera to that steeting Robiniand this was the furt time he mestiened it! Harall talk here it would be alright. It was either me or Terry that was going into The task and after lunch they said Ferry was going down into the tank. Harreld talk terry every Thing was alright but not to men round down Then. He said to get down there get it down and get out. at lunch Terry soil he was warried about getting him out of there. We asked Kursh and he said "ENFORCEMENT SENSITIVE"

Le thought the pully would werk alright. Harelle sail go a head lower him down . When terry let go of the side of the markele it drug me clear acre the floor because Terry is a lettle Leaves the a me I sever teard Jerry vay onything. Then I heard him say something i'm Warall said we had a few Sure-feet to go to the Latien Lerry bellared something and Navall seed something about Terry art herry alle to breath and to full him out. Harall was on The Inddonwich a flashlight lasking clawn at Iles State of to me Come the latter to kelp me, when I coulds well simi up and we couldn't . Pat Clerkin had let to go up to the sear bulding with a trucken to see about a tenker). We decided to bring a forktruck around to help bring him back top and I went up the ladder and welled at Terry to Lang out the Geralle was tring the fork truck around to buil him up and to Langon to the rope. He said alreget but I can't breach because of the funes and stuff. Right after that I kame fown the lather and tiel the keps. to the friktruck end. Karell, welled at Pet. Pat and mak Walleren Came down : Pat went up The la liter and Dxxxk west zen to the north builder to get believed call the ambulace to Pat soult Tast pulling him up so I started maving the fort want on it, We untill the kepe from the find "ENFOR CEMENT SENSITIVE"

Truck) and out the bucket off. (Bt welle Lathin) and feel the hope extent of his face and kept tolling hear to sold on but Jerry couldn't have body come down to see what was guing an and Et seat se webely hack up for another gas much co Beson weat up to get it; Le care back ord west repthe ledder . We tied the rape to then 2nd seriene when went up for another kape, The identices to lower him in and takes the kape sipe down in the habit again and get arran yellet tiget her out-all he had are was a mack. Pat paide they couldn't louver here do we with only a me it en because they would just be swaping people Busi com brok with another kape. The Distriction of airrand before bullyane from America Steel eleated not Weill Fisher and Sherry time nti SKE weited for the ambulance to assive - we tierded to git a tank of compressed air and blow it thru the Rate It the bettern of the tark whi or writel. The ambulance and fine trucker arrived ad The Wow Birch was lawered down into the tax a get Terry. We brossed him down at let him but the hope on Terry and six or sever of respull Id. Ken out we but him up on the tank and

"ENFORCEMENT SENSITIVE"

Then lawred fin down and started washing her offait remening he iletter I get some of the Resul Rubetances on my Mores and sodial Relight Calle for where we grabbed Terry so they could get the it we of of hem. lifter everything Nettle & down I haleged as mething was barning my asmithel -bedent wees at ally board ond Kalphe Cale . In and atille burned. I disit get heal sich that night but I could still smell some funes it was like a knot en my stomach, I just dedit efeel very wery stong. I was also upset herewie Terry me I are great frences. I went to wiret them the night of the secident to the haspital; Lie never had anymedical treatment and I didn have to take a physical to work at Carolen Go. Ysone has been to the dector over this accident. the kan of Rolph Cole, gr. was the only other one that complaced about being bursed; however accom Wilve was dozed and spicel-out when we got him out of the trake, The company is afraid the plants is mere warriet about that than the danger of what Ley Work in. If someone sees something leaking they got tell Pet rid he gets it cleaned rep. They have been aleaning "ENFORCEMENT SENSITIVE"

Date // Page No. _ up the plant for sincial weeks. The main timbling is full of contamenated ail and things - infact part of Briefich Stiel was moved to racke train for some of this stuff. This is all centerweeted. material eigher dut ou graper itall contamuentes and who well cabiled. We purp the beg thanks formers into trums (55 gallers) Quentually & Jot The empreses of that well all be her Through the reactor The darra building to totally fall - stacked two pallets high - that section Justy East red to lane you rest put any more in it. The whole West side there are 3 rows up to the tecks. There are fine taxker and on north end west side there are light to ten Prates from the spell. PCB has been spelled an the flow in This building but we, taken seem in it and sweep it replant out it in a drumm). They are trying to do right - they in yout a little last in some After the thereformer are cut up they are un thru the salution and the napor dequesser put it on pollets and then they sample some way ackeep it out land it are a truck and houl it of I hearat seen them have any oil out but The reen lots of sell rene in on the Tankens Theorly il live seen more is fearer the douth building "ENFORCEMENT SENSITIVE"

Date 1.2 Page No. 748 up to the main bulling hie sever seem any Clean ill. The heroton is broke down right now. Out made the remark they have just about full up It's just my avenion but Threp anded could here been anather if some people would have taken some time - slaved love and thought they find a tanken there and they evanted it drawed now. They are alway in a hurry about energeticaj. Out telle us are dry that PCB can rause conser and proseller make up sterel & He and they don't know for sure whether it does or doesn't but consider it does. They give me some paper to herd and right but I cont remember what twee about I never had to have a physical. this job. A let of people come and go. Hile on the PCB June -you get so hat because they voit reven thousand pound of metal out 2 right. You get het and sweaty and its hard to ell whate sweet and what is all because you get t on your arms and tinde and it aplacheing nyour seek and thin. On the line when they fixet cut into Stateformer bey catch all the sele and there are drawn to the way down the fine ill you gt to the "ENFORCEMENT" SENSITIVE"

press they try to catch all the ail they cen they get a lat if oil everywhere when the oil get real Test on your out you can drap your aprox suit it self can't be run thru the degreasen we wear them til you get a hip or saturated. Their tung on the wall. you get therell on your clathes you have on and you gut take them Tame out wash-then and drythen and wear them again. An concerned about what I work in but In gat to work, Terry Las carry Caned about The Norce in the plant bathlening hem when who worked down there can placed of lesters but it sever to thered) me.

RR# HOLDEN, MO. 64040

I was told to take a tank and get rid of it. I brought it out to my farm.

What was the barrel used for? Had barrels of contaminated PCB oil and it was drained into this tank. We had caulked the before but the caulking came looseand was leaking and they wanted to get rid of it. What happened when you got the tank home? I burnt the oil out of it. The tank was sitting about 50' inside the fence from the road.

Was there any cattle around the tank and was it ever filled with water? Tes.

There was a 40° trailer that came in that had several barrels of contaminated oil over the entire bed of the trailer. The floor was ripped up and saved into pieces and put into barrels. I asked if I could have the wood to burn in my woodburning stove and they told me I couldn't.

While I worked at the Carolan Co. I was a mechanic, welder and a maintence man.

I had a friend in Urich that went down in the tanks and used sodium to clean with.

Where is the sodium stored? Down in the old warehouse there are three 55 gallon barrels covered with plastic. They were covered with plastic because the roof leaked.

What about the labratory? anyone could enter the lab it was never locked that I knew of.

GEtting back to the sodium could you describe it? It was white and looked like a block of aluminium and it turns white when exposed to air- it would give a metalic taste in your mouth kinds like timfoil. If you threw it on the floor and it disolved what did it look like? No answer.

What do you know about the fire precautions in the plant? Fire Cheif Raymond Day came to the plant and suggested that we use a dry chemical system. I was told to disconnect the alarm system which anyone had access to. We had no heat in the building so the water was shut off and the liked drained. There also is a valve ENFORCEMENT SENSITIVE"

that you could turn and the amount of water you would use would not go thru the water meter.

I don't know why Rick Jordan foreman over the Amer. Steel Dept. got fired.

I was down at the plant one Saturday and Dennis Nix brought some beer. Well we got to talking and he told me of a spill that happened one night up in the northern to States that Walt and Dennis want in an airplane to help clean up. It involved Rod and it was a large spill. Well Walt and Dennis cleaned it up and it was never reported to the EPA.

Another insident I know of was the one involving Jim Snare who was the bookeeper at that time and they asked him to change the books so the EPA wouldn't know how much PCB contaminated oil they had. Dennis Nix was Harold Parsons righthand man, ... Dennis used to work for the EPA and as soon as they got what they wanted out of him he either quit or got fired.

Have you heard about anything called Napalm? Yes the chemists used to make a batch or two every day them he'd try to break it back down again. Why? Because the company wanted to get a government contract to break down napalm books. Napalm is a liquid jelly substance that gets very elastic when left out. I got some napalm and used it to start fires in my wood stove. There were rumors that they planned to build a powder house for the sodium but they never did.

They bought a catalytic converters and tried to get the p;atinum out of them. However this did not work.

This company is out to make a buck- they really don't care how.

The first trip to Waco, Texas was a shake down cruise. There was 5,000 gallons' of PCB oil in a tank car; it was pumped into the tanker but the guy holding the hose got a little immu sloppy and the hose came out of the tank car and sprayed all over everywhere. The compound was used but the oil had run all over the place. We scopped the dirt into a 55 gallon drum and put in the back of the bosses son's pickup (he followed us down in his own pickup) and it was not reported to the EPA. "ENFORCEMENT SENSITIVE"
To begin with this junckyard gave Jim \$10,000.00 to come and get the oil. We brought

out of blew off the trailer. The company never had monet to buy new valves and the have never been plugged.

The trucks were rankums taken to the Zip car wash after every trip and washed out oil and all. The tanker was washed on the south side of the building. Terry Bales cleaned the inside of the tanker with water and let it run down the creek which runs on the west side of the property.

I went to the mayor but he said that the company creates jobs for the community and that EPA was watching them.

Steve Dean worked down there as a truck driver- he and his wife now have a deformed baby, she was pregnant when he worked there and he wasn't very careful around the PCB oil.

We wore what we called z "bonnie suits" which we were supposed to wear to weld in. About everyone wore them until they ran out of them. Then they went to paper type suit which for all purposes noone had any business wearing if they were going to weld.

This company used to have credit at several business here in town but their credit was cut off- some of the businesses were Napa, Ace Hardware and one of the gas stations here in town. The company is still having cash flow problems.

In a business transaction in Licoln, Nebr., the money they were to pay Carolan Conformation for processing their contaminated oil was put into escrow and they paid so much per pound and they had to wait til they had processed the oil before they could get their money.

When the cut open the capacitors, all the oil spatters and vapor goes into the air, a big fan helps carry it. I built the dut work on the air purification system.

All it consists of is a tray which charcoal is put and used for a filter drawer.

it is approx. 4'x18-24'' and this the only trap they have. FNFORCEMENT CENTERIES

Back by the reactor there are some really bad fumes. So bad in fact that

I never was back shows well-so to wild a built of

(NOT UNDER ARKEST) am not under arrest for, nor am I being detained for any crimin ses concerning the events I am about to make known to at being accused of or questioned about any criminal offenses regarding the facts I am about to state. I volunteer the following information own (ree will, for whatever purposes it may serve. 96 years of age, and I live at was implyed st e a truck driver from Rpril 1980 I drove both flathed and tenker. I taule The first trip me real known an PCB. ouck up a load of PCB was to Wale, meshance (Kenny Stevens) accompanie triples make sure everything were the tracter almost down but we continued on our way. at some kind of Resaphusiness). tanker try some some ox tanker and on to the grown on followed us down in her pic sell occurred we leaded the in the back of her picking _ page(s), each page of which bears my vignature, and corrections, if any, bear read each page of this statement consisting of___ lab, and I certify that the facts contained herein are true and correct. 3:30 pm

Signature of person giving voluntary statement.

system that I have described to you previously. I know this to be true becaused it installed it myself.

They have had a lot of leaks and problems back in the reactor room. There was always 2.0 of PCB oil under the reactors platform, and this has been tore down a doz times. One time they had an accident where the pressure in the reactor built up to a certain point that the sight glass exploded and contaminated oil shot out everywhere. They had an article cut out and hung on the wall about fines of \$10,000.00 for a little oil on the from some other company.

16 zn.oll Company one in particular involving a flatbel that pulled in with several barrele had lested and socked the floor with continuented PCB. They took the flow out of the trailer. Ister we have a spill we take some resin and spread it over the spell we don't remove it we just let it blow off down the toak. If not aware of any fires at the Carolan Co. lan however awase of two dump sites around Vellen and Urech, Microwie: I was told to look up a bunch of track and trunt material out of the incineration at the Crealan Co. and told to get red of it by John Savere and the bruse son. There were 2 loods out of the incinerator and the other loads were truit peckel up out of the floor and plant. There was a good chance there was oil out of the plant. It was trush throwed in big boses and fust looked in by a fork lift. This came out of the factory form bester out to my great fathers) The form bester miles out 131 north turn west mules turn west mules worth grandfather place is on cest side of hood. The sets consists of track, boken, bassels, pump used to pump. entiminated with out of the busely 50 gallon drune, litter, cane, partetrack token, "ENFORCEMENT SENSILIVE"

2624. old niscellaneous, etc and quite a bit of dist and asker. The site is approprintely 300 feet long and 50 foot wide the possible continuate area is approximately 100 fort by 50 foot Says in a circle arta down below the Louis (last). There's a road that goes down to the site. I have given my consent for Hweld Fisher to pletonast the area and so he my grankfuther. My grankfather his sees given consent to take simpled of the alea. There has never been any cettle oclinestock runners by there. I did the dumping about a year before I got led off and I haded three leader. Charles "Butch" Keligh was with me when I took it out. He lives south and west of Wich and he took some sluff down on his properity. He said he wented to use the truck sol told him if he wante it he would have to risland it. He dure ed the same time of stull I did their dumped so Stevens). and somebody ramed Fred took a load of it and dumped it I have taken leads of persponetal & from anerican Strel to Kinger City to sell it. They don't test the scrap metal "ENEOR CEMENT SENSITIVE"

Date 10 10-83 Page No. 4 TEMENT OF Stevell 2 2 Lange spill because I heard walt and Dennis was up there to take case of it in Walls displane. · Newy Stevens has a tank from Carolan Co. that the took out there. It was originally loss in the PCB alex will They wanted it out of the plant and we tack it out to his farm. It was used to put continuetel DCB oil in it. It still hel all in it.
When Carolan Co. first started the PCE
operation they had a numbering system and when Dennis his was telefet in to handle this operation he changed the thing all the barrels and Check them off a lat of bassels and transformers Cene up missing. I dan't know where They went to they just forgot it. They just forgot it. Road. They take it off the truek with magnet. Ine traveled thru Tejan Minn, M. Als. South Daketa, Kanson, Mickeyon, Sown, and Oklahoma "ENFORCEMENT SENSITIVE"

26 yr oll some barrely and it expladed. It burned his face and arms real bad and he was surance company. He was sent to an eye doctor but he said he couldn't do anything or tell anything believe he had not seen Tem before the secilent. They street Contaminated oil and their formers in it and at that time as trough was around. any part of the building. There were a few lesks and spilles in there. It is stuffed full. When I was laid off they salse making little steel skelfs. DPA came out several times while was there and went through the main plant but they never went their the south slast because they were tall it belonged to Jester Earl. There were transformer and dring in there when they kame down but EPA never sawit. There were 3, 55 gallow drume of some no thes builder too . Ive heart if you .- drapwater on the sodium) it will explade, Ine, heard they have some Caustice soda, but I don't know what they wer it for or where it is kept.
The lab was unlacked in the day time "ENFORCEMENT SENSITIVE"

and anyone could go este it. I assumed day leeked It at night, L'arever tried to check it. Irl tack the truck and kash equipment repto Zemmers Ear wach and washed there with the oil still on them. They would have someone go down sasile the tankers and clean them out. They weall go down into them with a bucket, shavel out a pair of rubber boots on but no protective Clothing. They would rue Two gays one to fucker it out and one to dump it into the aring. I drove to Segment Mich of I left that night was these that morning and back that night, another time & left for Paris, Tedas I left that morning and was back that night. I drive 18 to 20 hours at a time but I don't Carry a log book. I got slepped one time in lowe but he let me go. I never did carres a log book I tried to avoid weigh Elationed and part of entrype if I could be-Cause were over weight about a couple. thousand pounds over weight. We always knew when we were overloaded we were given a list of weight but sometimes) art accurate. They talked about going 80,000 but they never ded anything bloat it. They were "ENFORCEMENT SENSITIVE"

26 2120. old awase of the overlooks. Ive heard rumore there are other dump sites where they fust wested to get hid of some continuented things but I don't know for I want married when I first started working at the Cristan Co. but I got married and my wife became pregnant and we had a baby boy. The baby was broken with an estra set of chromestines, he hosai value to small for his heart, he has a sow that we to low for his mouth, his lars are affect, his life are multarned and too small he has rocker bottom feet and we were tald be might line to be a year old he swill be reverely ketarded and his can't ruck a bottle bery well we usually have to feed ken through a take. Ne was born en August 31, 1983 and he das juit been Tenis & couply of weeks and Il weight 4lls and 1302. When I worked over there it her no idea of what PCB's were or could do to won. I have had their oil on me before End never thought anything about it, all I. know it was a controlled item and John Savage said it wouldn't hurt you. They said people tak worked in it for years! "ENFOR CEMUNT SENSITIVE"

10 - 20 - 23



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

y And die

JUN 2 1986

OFFICE OF ENFORCEMENT AND COMPLIANCE MONITOHING

MEMORANDUM

SUBJECT:

Civil Referral for Injunction Against

Martha C. Rose Chemicals, Inc., Holden,

FROM:

Richard H. Mays

Acting Assistant Administrator for

Enforcement and Compliance Monitoring

TO:

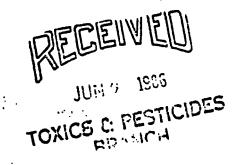
Morris Kay

Regional Administrator

Region VII

This memorandum is to inform you that I have concurred with your determination that a civil action under Section 17 of the Toxic Substances Control Act (TSCA) be brought in this matter. I have this day referred the matter to the U.S. Department of Justice.

cc: David R. Tripp, Regional Counsel







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

2 1986

OFFICE OF ENFORCEMENT AND COMPLIANCE MONITORING

Honorable F. Henry Habicht, II Assistant Attorney General U.S. Department of Justice Lands and Natural Resources Division Washington, D.C. 20530

> Re: Martha C. Rose Chemicals, Inc., FOIA Exemption 5, 7(e) Holden, Missouri

Dear Mr. Habicht:



Correspondence to the Regional Counsel should be addressed:

David R. Tripp
Regional Counsel
U.S. Environmental Protection Agency
726 Minnesota Avenue
Kansas City, Kansas 66101

Correspondence to the Acting Assistant Administrator should be addressed:

Richard H. Mays
Acting Assistant Administrator for
Enforcement and Compliance Monitoring
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

The Agency's participating attorney is Henry F. Rompage of our Region VII office (FTS-757-2853). Linda V. Parker, of the Special Litigation Division, Office of Enforcement and Compliance Monitoring (FTS-475-8696), is the contact attorney for Headquarters.

Singerely yours,

Richard H. Mays

Acting Assistant Administrator

Enclosures

cc: David Buente, Chief Environmental Enforcement Section U.S. Department of Justice

> Morris Ray Regional Administrator Region VII

David R. Tripp Regional Counsel Region VII

A.E. Conroy II, Director
Office of Compliance Monitoring

"ENFORCEMENT SENSITIVE"

*

5-8-86

Lautin Alderner Kompaye Sturgen

FOIA Exemption 5, 7(e)

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FOIA Exemption 5, 7(e)

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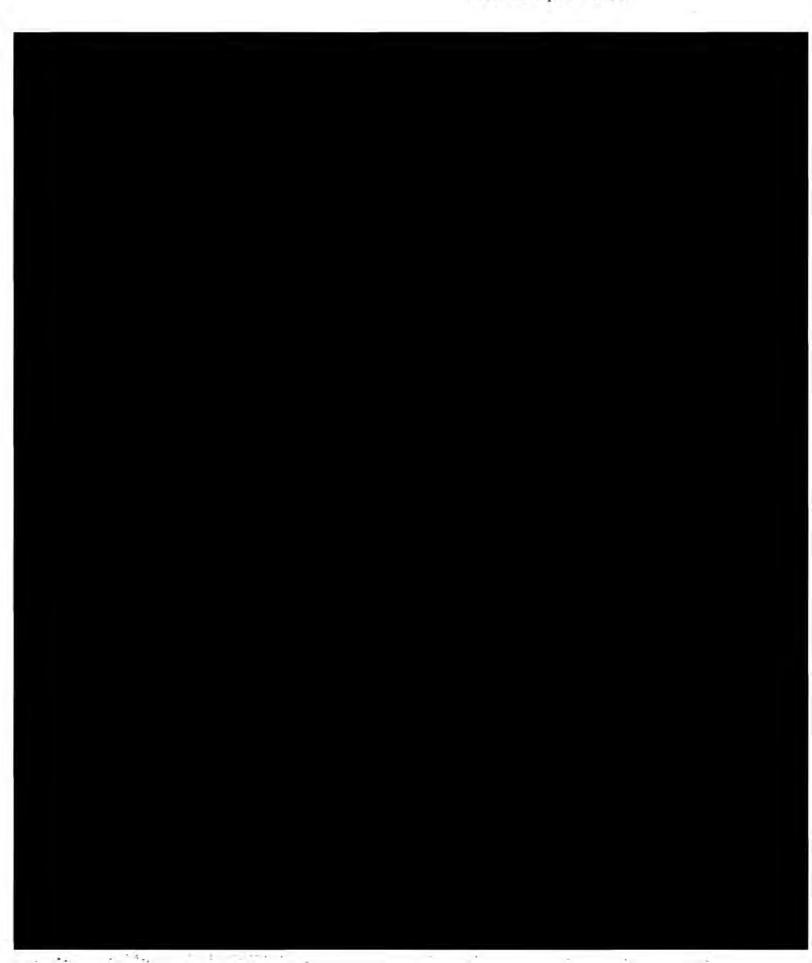
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"ENFORCEMENT SENSITIVE"

PCB INSPECTION REPORT (FIRST VISIT UNDER THIS DOCKET NUMBER)

Martha C. Rose Chemicals, Inc. PCB Division 500 W. McKissock Holden, Missouri 64040

Date: February 26 and 27, 1986 Docket No. 07-86-T-384 Inspection No. 022686178101

Introduction

An inspection to monitor the above-named company's activities concerning PCBs was to begin on February 26, 1986, and continue, with repeated wisfts, through March 16, 1986. The purpose was to assure the firm's compliance with the PCB Rule, 40 C.F.R. Part 761. TOXICS & Fa

Summary of Observations

I arrived at Holden, Missouri on February 26, 1986, at approximately 10:30 a.m. and parked at four different locations which provided a view of the facility. I observed people and vehicles entering and leaving the plant until about 12:40 p.m. 1 entered the facility and presented my credentials to Dwight Thomas, Director of R and D. I explained to Mr. Thomas that I was issuing a Notice of Inspection and Confidentiality Notice which would be good through March 16, 1986, and would allow repeated visits during that time period. He understood my intent and signed both Notices (attached). Mr. Thomas called in Patrick E. Perrin, Plant Manager; and Esco Taylor, Production X Coordinator. The gentlemen told me they were having a staff meeting at 1:00 p.m. to tell their employees that everyone would be terminated at 4:30 p.mm., Friday, February 28, 1986. Employees were given the opportunity of leaving after the meeting, if they wished.

Mr. Thomas explained that the plant would not be able to comply with the regulatory letters issued to them by the EPA on February 13, 1986. He said the site would probably require Superfund clean-up. Mr. Perrin said he and Sharon Hays would start working for another Carolan company, American Steel, which is adjacent to the PCB Division. Mr. Thomas said he would continue working for Rose Chemicals, in Kansas City. The mood of the employees at the facility was depression and anger.

Messrs. Thomas and Taylor accompanied me on a tour of the facility. Mr. Taylor showed me what had been done by the company since my January 7 inspection to get into compliance. A new door had been created to allow entry to the capacitor core room and 60 drums of cores in paper bags had been removed and packed for shipment (Photos 6 - 10). He said the drums had been dated by reviewing records and determining when cores were probably put in the room. He told me that RST #6 had been pumped out and that oil processed. And showed me a new label on the tank. He said that WST #3 had also been pumped out, but when we looked at that tank it still was dated 11-9-84. We observed three drums of material in the northwest corner of the air compressor room (Photos 1-5). Mr. Taylor said they contained a mixture of oil and water and he did not know what they would do with them. All were dated 6-5-84. The few employees working in the plant were sweeping the floor.

We looked at the area around the reactor preheat tank where the 2-14-86 spill occurred and Mr. Perrin provided two photocopies of the report that was sent to EPA (attached). I issued Mr. Perrin a receipt for those documents (attached).

On February 27, at 7:45 a.m., I returned to the facility. I visited with Mr. Thomas and Mr. Perrin. I requested and received a photocopy of the records showing how much fluid had been removed from RST #6 (attached) I also asked for an inventory of the PCB items in the plant. Mr. Perrin said they did not have an inventory but would have a record for each item. I told them I would like to go through the plant again, take photos, and count some of the items. They said for me to go ahead -- they did not see any reason to accompany me.

I toured the plant by myself and collected photos 11-64 (attached). Several employees were working unloading trucks, logging transformers, sweeping floors, and generally cleaning up the work areas. I counted the following items:

- (1) 3,844/55 gallon drums containing miscellaneous solid waste, capacitor core paper, capacitor cores, oil, and capacitor oil,
- (2) 492/64 cu. ft. wooden crates containing miscellaneous solid waste, capacitors, and capacitor cores
 - (3) 10 paper bags of lab vials, etc.,
 - (4) 100 contaminated transformers (mixed drained and not drained),
 - (5) 300 PCB transformers (mixed drained and not drained), same as high as 400,000 ppm,
 - (6) 1 steel capacitor core bin (approximately 5,760 cu. ft.); full, and
 - (7) 1 capacitor core room that was previously estimated to contain 26,250/50 pound paper bags of capacitor cores for a total of about 1,312,500 pounds (60 drums had been filled from this room and were on hand).

I estimated there were probably another 1000 drums, 100 crates, and 100 transformers which I did not count. Other items include numerous storage tanks (as supposedly listed in the permit applications), numerous "empty" drums in the south warehouse, trucks, forklifts, pallets, and various tools and machinery.

I issued Mr. Thomas a receipt for the photos and RST #6 records. He requested a copy of my photos and I agreed to send them at a later date. I again asked Mr. Thomas and Mr. Perrin what the plans were for the facility and they said those decisions would be made by owners of the company. I pointed



out that this was only my first visit under this Notice of Inspection and that I might return at anytime prior to March 16. They understood that and said I was welcome but there might not be anyone present.

Consumer Safety Officer

2/28/86

Attachments: Notice of Inspection Confidentiality Notice Receipt for Samples (2)

Photos (64)

Photocopy of spill report (2)

RST #6 records (4 pp)

(FATES form not completed because inspection is ongoing).



PHOTO 1. DEPRETS MARTHA C. ROSE FACILITY, HOLDEN, MO, AS SEEN FROM THE SOUTH SIDE (HWY 58), ON MARCH 17, 1986.



PHOTO 2. SAME AS PHOTO 1, BUT VIEW IS MORE TO EAST (RIGHT).

TEMPORCHAENT SUNSTINE"

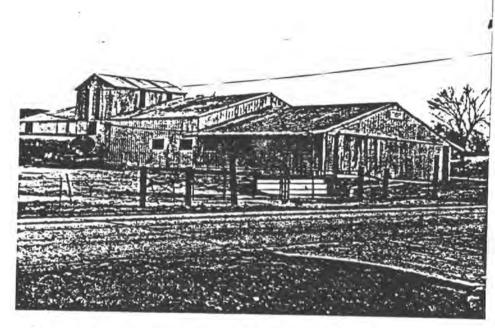


PHOTO 3. SAME AS PHOTOS 11 2 BUT VIEW IS MORE TO EAST (RIGHT).

"ENFORCEMENT SENSITIVE"

SPENCER, FANE, BRITT & BROWNE

JAMES T. BRITT
JOSEPM J. RELLT, JR.
WILLIAM M. WOODSON **
ROBERT **, LYDWS
RICMARD N. SPERCER
DONALD W. GIFFIN **
LOWELL L. SMITMSON
JAMES R. WILLARD
GAD SMITM **
EOWARD A. SETZLER
RICMARD W. SCARRITT
JACK L. LWITACRE
BASIL W. RELSEY **
JEROME T. WOLF **
MENDEL SMALL

JAMES M. WHITTIER ...
JAMES G BABER
JACOB F. MAT, JR. ..
CARL M. MELMSTETTER
E. J. MOLLAND, JR
JAMES W. MAPP, JR.
FRANK B. W. MCCOLLUM
JAMES R. MUDEK
STANLEY E. CRAVEN
RONALD L. LANGSTAFF
SANDRA L. SCHERMERMORN
MICHAEL C. GIRR
MICHAEL F. DELANEY
L. EDWARD MARQUETTE
CURTIS E. WOQOS

1000 POWER & LIGHT BUILDING 106 WEST 14th STREET KANSAS CITY, MISSOURI 64105-1974 TELEPHONE (816) 474-8100 TELEX 43-4345 TELECOPIER (816) 474-3216

Kansas Office Suite 800, 40 corporate woods 9401 Indian Creek Parkway P. O. 802 25407 Overland Park, Kansas 66225-5407 (913) 345-8100 or (816) 474-8100

> BYRON SPENCER 1883-1864 IRVIN FANE 1804-1882 MARRY L. BROWNE 1811-1865

RUSSELL W. BAKER, JR.
GARDINER B. DAVIS
J. HICK BADGEROW •
GAVID D. GATCHELL
TERRY W. SCHACKMANN ••
RAUL D. COWING
SCOTT J. GOLDSTEIN
MARN P. JOHNSON
JAMES T. PRICE
GEORGANN N. EGLINSKI ••
BRUCE E. CAWIT ••
RICHARD M. MERTEL •
ROBERT B. TERRY
THOMAS M. WELSCN ••
WILLIAM C. MARTUCCI

JOHN L. UTZ
SMRICY EDMONDS-GOZA
MICHAEL, F. SAUNDERS
MARK A. THORNHILL
DAVID L. WING **
JAMES A. SNYDER
DAVID A. SOSINSRI
PAMELA A. ALEXANDER
L. CAMILLE HÉBERT **
JOHN M. MAY **
GREGGRY C. LAWHON
BRIAN M. DUNN
JOEL B. LANCR
DAVID V. KENNER
CAROL WOODLEY TRAUL **

. ADMITTED IN KANSAS

* * ADMITTED IN KANSAS AND MISSOURI ALL DIMERS ADMITTED IN MISSOURI

PLEASE REPLY TO THE MISSOURI OFFICE FILE NO. 3816300-1 May 27, 1986

Hand Delivered

CHARLES S. SCHNIDER ..

OF COURSEL

Henry Rompage, Esq.
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Re: Martha C. Rose Chemicals, Inc.

Dear Henry:

I am enclosing a copy of the Agreement between Martha C. Rose Chemicals, Inc. and Environmental Technology, Inc. With respect to the additional information to be provided by Martha C. Rose Chemicals, Inc., I did meet with Jim Carolan and we are working on providing said information. Unfortunately, because of an illness of one of the attorneys with which I work closely, it was necessary for me to cover his matters the week of May 19, and I was unable to provide the information and documents as I had promised in our telephone conversation.

I am presently hoping that I will have this information, or at least a description of the information which Rose will provide to EPA, by May 30, 1986.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

cott J. Goldstein

SJG:sl

cc: Vernon A. Poschel, Esq.

REGD: MAY 27 1986

> CNSD AIN H MATER

OR CEMENT SENSITIVE"

REASONS FOR REVOKING MARTHA C. ROSE'S PCB APPROVALS

- After the initial inspection in January 1982 the facility has been out of compliance at each inspection.
- Four inspections have revealed PCBs on site for more than one year. The August 1984 inspection revealed very large quantities on site. Not completing disposal gives the facility more money to operate with since they require payment upfront by the generators.
- The August 1984 inspection revealed violations in the operation of the facility's capacitors approval. The capacitor metal was cleaned to 160 milligrams, not to the 0.01 milligram per swab required in the approval. Other capacitor approval conditions that were also not followed are capacitor puncturing procedues, solvent flushing conditions, and approval specific recordkeeping requirements.
- The August 1984 inspection revealed violations in the operating of the facility's oil processing approval. Oil identified as clean was determined to be 31 ppm insteand fo the 2 ppm required by the approval. Other conditions violated are modification of the process without EPA approval, exceeding maximal operating temperature, inoperative SCBA equipment, and no assembled spill control kit.
- The August 1984 inspection revealed violations of the operating of the facility's transformer processing approval. Processing was preformed prior to authorized date and approval specific recordkeeping requirements.
- The facility has consistently failed to maintain the storage containment in good condition. Lack of containment or damage to the containment has been found on most facility inspections.
- The facility has failed to properly process capacitor metal of PCBs it sent off-site as clean. This reflects either poor quality control or lack of concern with compliance as this is the second time we found improperly cleaned metal from the Rose process.
- The facility has been notified numerous times by EPA that it had to use proper PCB containers until they received approval for alternate containers. The two December 1985 inspections revealed a flagrant disregard for these requirements since PCBs were in wooden crates, paper sacks, metal bins, and in transformers with the top cut off with a torch. If the tops of the transformers were removed by Rose, this could have generated dioxins and furans more hazardous to the workers than the PCB exposure they received from using unapproved containers.



- At the time of each Rose inspection, the inspector was delayed at the office for approximately 30 minutes or more. When the inspector does get into the work area, all employees are cleaning and not operating any of the approved activities. This indicates that they do not perform proper cleaning on a day to day basis and also possibly that they do not want EPA observing operations.
- Ouring interviews with ex-employees and current employees, we were informed that it is a common practice to be told by management to change the date of storage for disposal on PCB items so as to avoid the one year disposal requirements. This is an obvious willing violation to the regulations.
- The August 1984 inspection and a July 21, 1985, inspection by OSHA documented that the employees were improperly protected from exposure to PCBs. OSHA assessed a penalty and required numerous improvements in the working conditions.
- Ouring interviews with employees and ex-employees claims were made that PC3 material were often not cleaned for a sufficient time. To pass the lab testing requirement the facility allegely ran blank samples as actual swab samples. We were also told that the facility maintained "pet metal" which was sampled as if it came from a batch but was actually stored in the work area just for sampling.
- Information received during employee interviews indicated a very high turnover rate of employees. This was based on physically difficult working conditions, low wages, and the requirement placed on employees to perform actions that were illegal. We were informed by one exemployee that although the facility usually operates with a staff of approximately 40 people, that in 1984 over 200 W-4's were issued.
- Information received during employee interview indicated that water separated from PCB contaminated oil was not incinerated as the regulations require, but was instead dumped on site. This seems to be supported by the finding of low levels of PCB in the Holden sewage system by the Missouri Department of Natural Resources.
- Information received from employees indicated that they were frequently told by management to only clean the oil processed to about 30 ppm. This is well above the 2 ppm specified in the approval.
- The December 1985 inspection of Asner Iron and Metal resulted in our sampling seven samples of copper from transformers that Rose claims were processed. Although the control sample of the swab samples was contaminated, making the two swabs difficult to use in the courts, the preliminary results did indicate PCBs concentrations greater than authorized by the approval. Final results are expected soon from NEIC.

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COMPLIANCE HISTORY OF MARTHA C. ROSE CHEMICAL, INC.

- A January 1982 pre-operation inspection of the facility indicated no violations. At the time very few PCB items were stored on site.
- A November 1983 inspection and subquent receipt of documents reveale unmarked PCB items and PCB items and containers stored for more than one year.
- A \$30,000 civil penalty was assessed for the violations found in the above inspection. A Consent agreement reduced the penalty to \$7,000 if all violative material was disposed of prior to August 1, 1984.
- An August 1984 inspection revealed that the facility failed to comply with the terms of the above mentioned Consent Agreement. The agency then requested and received the remainder of the \$30,000 penalty.
- * The August 1984 inspection also revealed new violations. These are:
 - (1) violation of the terms of the capacitor processing approval,
 - (2) violation of the terms of the transformer processing approval,
 - (3) violation of the terms of the oil processing approval,
 - (4) storage of PCBs and PCB items for more than one year,
 - (5) improper disposal of PCB items
 - (6) improper records of the PCB items at the facility
 - (7) three improperly marked PCB transformers
 - (8) improper storage of PCBs resulting in spills inside the storage area.
 - (9) improper containment of PCBs.
- A Civil Penalty of \$176,000 was proposed. After the facility documented an inability to pay the entire penalty, a consent agreement was signed reducing the penalty to \$46,250 if the facility would resubmit applications for all three processes by January 27, 1986, and would implement an inventory control system by approximately April 25, 1986.
- On July 21, 1985, OSHA inspected Rose and issued an order assessing a civil penalty and requiring improvement in their worker protection program.
- Inspections of Rig Industries and Asner Iron and Metal in September and October 1985, respectively, revealed that capacitor components alleged to be clean by Rose were contaminated with PCBs above the level specified in the approval conditions. These inspections are pending enforcement review.

- An inspection on December 19, 1985, documented numerous instances of improper storage of PCBs. Items were stored outside the PCB containment area, the containment curbing was cracked, and PCB were stored in wooden crates, in a large metal bin, in paper sacks and in transformers with the top cut off with a torch. All these containers are improper. PCB items stored for more than one year were also documented. This inspection is pending enforcement review.
- An inspection was performed at Asner Iron and Metal on December 27, 1985, of transformer components (copper coils) processed by Rose. Preliminary sample results indicate that this material was contaminated above the level allowed in the approval conditions. This inspection is pending receipt of the sample results and review for enforcement action.
- On January 7, 1986, the facility was reinspected. Some of the damaged containment curbing had been repaired. However, PCBs had not been properly containerized since the last inspection, and the material stored for more than one year was still on site. Some undated PCB items and items without a PCB mark were also discovered. This inspection is also pending enforcement review.

- Rose has never made improvements in its operations or approvals unless that change is demanded by either EPA or OSHA.
- The investigation by the criminal investigators and the numerous administrative inspections documented major violations by Rose. The town of Holden and other companies in the PCB disposal industry have asked how long we are going to allow such a facility to operate. They see no obvious effect on the company by the civil penalties.
- * TOPE was informed by telephone that the other stockholders in Rose were in the process of filing suit against Walter Carolan for not reporting all corporate income to the stockholders. The stockholders attorney said that he had information that 1984 sales were over \$12 million instead of the \$2.2 million reported to the stockholders. The \$2.2 million was also the same figure presented to EPA during settlement negotiations for the \$194,000 civil penalty which led to the reduction of the penalty to \$96,000 without the conditions.
- The City of Holden, Missouri, has filed suit against Rose for failure to comply with city ordinaces.

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91.11.193702

Park 11, 1985

Mr. Walter C. Carolan Tresident Fose Chemicals [159 Charlotte Street Tansas Div., Missouri 64]03 EEDEBWI CAbberr

Compart: Evinciples of Adverment for Incineration Services

oger Walter:

I am pleased to provide you with a draft copy of our Principles of Agreement for Waste-Tech Services to provide Rose Chemicals with PCP incideration services. These Principles of Agreement cover the proposal General Business Agreement and do not get into detailed engineering or support requirements. The document also does not include the fee schedule as we believe additional discussion on the structure of this poblished is required.

Mr. John Wurster, our new Vice President of Marketing, will be contacting a shortly to arrange to meet with you to discuss these matter; further and to visit your Holden site. His intent is to arrange for a visit the used of March 25th.

ilease note that we are still working to resolve the operational problems exactiated with cyclone inlet blockage by the capacitor ash.

I believe the Principles of Agreement reflect our previous discussion. These let me know your thoughts on the draft as soon as possible so we can make forward. We would like to proceed as soon as reasonably possible to put in place a contract which will benefit both of us.

Sincerely,

Derge Planne

George P. Rasmussen, P.F. Vice President

• !

ro: U. C. Conger w/attachment

W. F. Wurster w/attachment

FORCEMENT SENSITIVE"

PRINCIPLES OF AGREEMENT

BETWEEN

WASTE-TECH SERVICES, INC.

AND

ROSE CHEMICALS, INC.

FOR

HAZARDOUS AND TOXIC WASTE INCINERATION SERVICES

DRAFT DATE MARCH 12. 1995

THIS DOCUMENT IS A DRAFT DMLY AND IS INTENDED TO BE THE BASIS FOR A FINAL CONTRACT. AT THIS TIME THIS IS A NOT A BINDING DOMNITMENT TO EITHER PARTY.

- TRAFT -

SENFORCEMENT SENSITIVE"

PRINCIPLES OF AGREEMENT

BETWEEN

WASTE-TECH SERVICES, INC.

AND

ROSE CHEMICALS, INC.

FOR

INCINERATION OF ROSE CHEMICALS, INC. HOLDEN, MISSOURI FACILITY WASTES

These Principles of Agreement are proposed by and between WASTE-TECH SECURES. INC., a Corporation organized and existing under the laws of the ETITE OF NEVADA (hereinafter referred to as "Waste-Tech Services") and ROSE CHEMICALS. INC., a Corporation organized and existing under the laws of the CTATE OF (hereinafter referred to as "Subscriber").

WHEREAS, Subscriber desires to incinerate a Waste Stream(s) at its industrial facility located at Holden, Missouri: WHEREAS, Waste-Tech Services has developed a system for incinerating toxic and hazardous substances, thereby rendering these substances nonhazardous as defined by applicable state and federal standards currently in effect: WHEREAS, locate-Tech Services will construct an Incineration System to incinerate hazardous and toxic organic contaminants on a site to be furnished by Instrument 40% THEREFORE, Subscriber and Waste-Tech Services propose a bissiness relationship as follows.

APTICLE 1 - DEFINITIONS

in item in these Principles of Agreement:

- 1.1 "Subscriber's Plant" means Subscriber's plant at Holden, Missouri.
- 1. "Incineration System" means the incineration facilities.

EGIL ON "



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

May 22, 1986

Walter C. Carolan, President
Martha C. Rose Chemical Co. Inc.
American Steel Works Inc.
W. C. Carolan Co. Inc.
Dust Suppression Systems Inc.
2459 Charlotte St.
Kansas City. Mo. 64108

Gentlemen:

This is to inform you that a pollution incident has occurred at the Martha C. Rose Chemical Co., Holden, Missouri, on May 12-16, 1986, for which you may be financially responsible. Under federal statutes, the United States Government has an interest in this incident and may take appropriate action to minimize damages which are threatened or may be caused by this incident.

The discharge of a prohibited quantity of oil or a hazardous substance is a violation of the Clean Water Act, as amended. Under this act, the owner or operator of the source may undertake removal action. If he refuses to take adequate removal actions, he may be held financially responsible for action taken by the Federal Government to remove the pollutant and adequately mitigate its effects. Removal is being done properly if it is done in accordance with federal and state statutes and regulations and the criteria of the National Oil and Hazardous Substances Pollution Contingency Plan. If you undertake removal action, the adequacy of such action shall be determined by the federal On-Scene Coordinator. The On-Scene Coordinator for this area is Mr. George Hess.

So long as you are taking adequate actions in this matter, federal action will be limited to monitoring of the progress of your actions and provision of guidance, as necessary.

If it is determined that you are not taking prompt and appropriate action to clean up, contain, and remove the pollutant, federal response may be initiated. You may then be held responsible for actual costs incurred by the Federal Government as set forth in section 311(f) of the Clean Water Act, as amended. Should you require further information concerning this matter, please contact:

ENSORCEMENT SENSITIVE

...v n : 1202

Mr. George Hess U.S. EPA 25 Funston Rd.

Kansas City, KS 66115 Phone: 913-236-3888 or 24 hr. # 913-236-3778

Sincerely,

George Hess Geologist

Emergency Planning and Response Branch

Environmental Services Division

5/22/86 1522 Hours

Dong K Herr



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7 25 FUNSTON ROAD KANSAS CITY, KANSAS 66115

May 22, 1986

Steve Kay Environmental Technology Inc. 660 Penn Tower 3100 Broadway Kansas City, Missouri 64111

Gentlemen:

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OFCT. WAY

Mr. George Hess U.S. EPA 25 Funston Rd. Kansas City, KS 6611

Kansas City, KS 66115 Phone: 913-236-3888 or 24 hr. # 913-236-3778

Sincerely,

Rung 12 leure George Hess Geologist

Emergency Planning & Response Branch Environmental Services Division

Recieved by: Barbara Wordham 5/22/86 15:35 Hours

ENFORGERIENT SENSITIVE"

SPENCER, FANE, BRITT & BROWNE

JAMES T. BRITT
JOSEPH J. KELLY, JR.
WILLIAM N. WOODSON **
ROBERT P. LTONS
RICHAND M. SPENCER
ROMALD W. GIFFIN **
LOWLL L. SMITHSON
JAMES R. WILLARD
GAO SMITH **
EDWARD A. SETZLER
RICHARD W. SCARRITT
JACK L. WHITACHE
BASIL W. RELSET **
JEROME T. WOLF **
MENDEL SMALL

JAMES M. WHITTIER **
JAMES G. BAKER
JACOB F. MAT, JR. **
CAHL H. HELMSTETTER
E.J. HOLLAND, JR.
JAMES W. KAPP, JR.
FRANK B. W. MCOLLUM
JAMES R. HUDER
STANLET E. CRAVEN
RONALD L. LANGSTAFF
SANDRA L. SCHERMERNORN
MICHAEL C. RIPR
MICHAEL F. DELANEY
I. EDWARO MANQUETTE
CURTIS E. WOODS

CHARLES S.SCHNIDER **
OF COUNSEL

IQOQ POWER & LIGHT BUILDING
IO6 WEST I47M STREET
KANSAS CITY, MISSOURI 64105-1974
TELEPHONE (816) 474-6100
TELEX 43-4345
TELECOPIER (816) 474-3216

KANSAS OFFICE
SUITE 500, 40 CORPORATE WOODS
840! INDIAN CREEK PARKWAY
P. O. 802 25407
OVERLAND PARK, KANSAS 66225-8407
(813) 345-8100 OR (816) 474-8100

BYRON SPENCER 1893-1964 IRVIN FANE 1904-1962 MARRY L. BROWNE 1911-1965 RUSSELL W. BARER, JR.
GARDINER B. DAVIS
J. MICR BADGEROW *
DAVID D. GATCMELL
TERRY W. SCHACKHANN **
SCOTT J. GOLDSTEIN
MARR P. JOHNSON
JAMES T. PRICE
GEORGANN M. EGLINSRI **
BRUCE E. CANIT! **
RICHARO N. HERTEL *
ROBERT S. TERRY
THOMAS M. WELSCH **
WILLIAM C. MARTUCCI
JOHN LUTZ

SHIRLY EDMONDS-GOZA
MICHAEL F. SAUNDERS
MARK A.THORNHILL
DAVID L.WING **
JAMES A. SNYDER
DAVID A. SOSINSKI
PAMELA A. ALEXANDER
L.CAMILLE HÉBERT **
JONN M. MAY **
SREGORY C. LAWHON
BRIAN M. DUNN
JOEL B. LANER
GANID V. KENNER
GANDL WOOLLET TRAUL **

- . ADMITTED IN KANSAS
- * 9 AOMITTED IN KANSAS AND MISSOURI ALL OTHERS ADMITTED IN MISSOURI

PLEASE REPLY TO THE MISSOURI OFFICE PILE NO. 3816300-1 April 23, 1986

Hand Delivered

Henry Rompage, Esq. 726 Minnesota Avenue Kansas City, Kansas 66101

Re: Subpoena duces tecum

Dear Henry:

A response to the Show Cause Order is due on or before April 23, 1986 and the hearing on same has been continued to April 29, 1986. It is my understanding from speaking with Ruben McCullers on April 21, 1986 that he has received all of the information and documents he has requested from Rose.

In addition, Rose intends to cooperate with EPA and supply the documents requested in the Subpoena with the exception of documents of companies other than Rose, which we have previously agreed EPA will not require. Because I do not believe the filing of a Response is necessary at this time since EPA is receiving the documents it has requested and Rose intends to cooperate with EPA, I am not going to file a Response. I would presume that the Order to Show Cause will simply be dismissed on April 29, 1986.

Thank you.

Very truly yours,

Scott J. Goldstein

SJG:sl

cc: Ruben McCullers / Jim Carolan Vern Poschel, Esq. Honoragie Ross T. Roberts

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APR 2 2 1986

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BRANCH

Hay 23, 1935

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Walter C. Carolan, President and Begistered Agent Martha C. Rose Chamicals, Inc. 2459 Charlotte Street Kansas City, Hissouri 64178

Scott J. Goldstein, Esq. Spencer, Fane, Britt and Brosne 1939 Power & Light Building 195 West 14th Street Kansas City, Hissouri 64195

Re: Martha C. Rose Chemicals, Inc., et al. Docket No. 85-7-0005

Dear Messrs. Carolan and Goldstein:

Enclosed is an Administrative Order issued pursuant to Section 106(a) of the Comprehensive Environmental Response, Companyation, and Liability Act of 1930 (CERCLA), 42 J.S.C. § 3606(a). Please note the provisions of the Order that require immediate action on the part of Martha C. Rose Chemicals, Inc. as a Respondent in the above-referenced matter. If you gave them any questions, please contact as at (913) 236-2309.

Sinceraly,

CNSL 5000 9SP 55K 5-23-86 5-77-8 Enclusurs san sundigen

J. Scott Pembarton - 2000 Miner Assistant Regional Counsel Assistant

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Fe. DAW 6.03 5/27/86

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CNSL/JaPambarton: ksp: 5-23-36: X270: jap 2-7

Tay 25, 1985

CERTIFIED MAIL RETURN RECEIVE REQUESTED

dalter C. Carolan 5435 Wenonga Road Hission Hills, Kansas 66208

Re: Martha C. Rose Chemicals, Luc., et al. Docket No. 85-7-3036

Dear dr. Carolan:

Enclosed is an Administrative Order issued pursuant to Section 105(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1930 (CERCLA), 42 U.S.C. 58 437 \$7505(a). Please note the provisions of the Order that require, inmediate action on your part as a Respondent in the abovernment ferenced matter. If you have any questions, please contact me at (913) 235-2309.

Sinceraly,

J. Scott Pemberton . Assistant Regional Counsel

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Car Farman San .

Maria Sp

Enclosure

bcc: Stave Kinser, USf.A Ruben McCullers, ARTX

CNSL/JSPemberton:ksp:5-23-36:K276:jsp 2-7

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Hay 23, 1935

CERTIFIED MAIL

Robert Mahn Lear Siegler, Inc. 950 South Arroyo Parkway Pasadana, California 91105

Re: Martha C. Rose Chemicals, Inc., et al. Docket No. 45-7-2005

Dear dr. Haba:

Enclosed is an Administrative Order issued pursuant to Section 105(a) of the Comprehensive Environmental Response, Companiation, and Limbility Act of 1930 (CCRCLA), 42 U.S.C. 19606(a). Please note, Lear Siegler, Inc. has been maded as Respondent in the above-referenced matter only for purposes of providing, to other named Respondents, access to property leased by Lear Siegler from the City of Rolden, Hissouri. If you have any questions, please contact me at (913) 235-2309.

A SECTION OF THE SECTION

Sincerely,

J. Scott Penderton Assistant degional Counsel

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c: Stave Kinser, JST:1

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day 23, 1935

CERTIFIED WAIT

donorable francis Brillhart dayor, City of Holden, Missouri City Hall Holden, Hissouri 64040

Re: Martha C. Rose Chemicals, Inc., et al. Docket No. 85-2-0005

Dear Ar. Mayor:

Enclosed is an Administrative Order issued pursuant to Section 105(a) of the Comprehensive Environmental Response, Compansation, and Limbility Act of 1950 (CERCLA), 42 J.S.C.

§4505(a). Please note, the City of Holden has been maded as Respondent in the above-referenced matter only for purposes of providing other Respondents access to implement the terms of the Order. If you have any questions, please contact me at (913) 235-2309.

Sincerely,

J. Scott Pencerton was an Assistant Regional Counsel --

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Enclosure

bcc: Stava Kinsar, WST4 Ruban McCullers, ARTX

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NFOR CEMENT SENSITIVE"

Asy 23, 1335

CEATIFIED MAIL

Walter C. Carolan, President and Agaistared Agent American Steel Works, Inc. 500 W. McKissock Golden, Hissouri 64040

Ra: Martha C. Rose Chemicals, Inc., et al. Docket No. 85-F-0006

Dear Mr. Carolas:

Enclosed is an Administrative Order issued pursuant to Section 106(a) of the Comprehensive Environmental Response, Companiation, and Liability Act of 1930 (CERCLA), 42 J.S.C. §3606(a). Please note the provisions of the Order that require imagdiate action on the part of American Steel Works, Inc. as a Respondent in the above-referenced matter. If you have any questions, please contact me at (913) 236-2309.

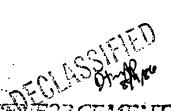
Sincerely,

J. Scott Peaberton St. St. Worker.
Assistant Regional Counsel

Enclosure

bcc: Steve Kinser, WSfA Ruben McCullers, ARTX

CdSL/JSPemberton:ksp:5-23-86:X275:jsp 2-7



Hay 23, 1935

CERTIFIED MAIL
REQUESTED

Philip F. Badame, President Environmental Technology, Inc. 34 Sweeney Street Borth Tonawanda, Hew York 14123

Re: Martha C. Rose Chemicals, Inc., et al. Docket No. 85-2-505

Dear Mr. Badasa:

Section 105(a) of the Comprehensive Environmental Response,
Comparation, and Liability Act of 1980 (CERCLA), 42 0,5.0.32 480
19606(a). Please note the provisions of the Order: that require in the part of Environmental fachnology, Inc.
(271) as a Respondent in the above-referenced matter. If you have any questions, please contact we at (913) 235-2809.

Sincerely,

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J. Scott Pemberton Assistant Regional Coducel

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cc: 271

553 Penntower 3100 Broadway

Kannas City, Missouri 64111

(4/302103123)

Stave Kinser, WSf.1 Ruben McCullers, ARTK tay 23, 1930

Ceapified mail Rever Trees ar Legister

Walter C. Carolan. President and Registered Agent U.C. Carolan Company, Inc. w12 West 47th Street Kansas City, Hissouri 64112

Re: Hartha C. Rose Chemicals, Inc., et al.

Dear Hr. Carolan:

Enclosed is an Administrative Order issued pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Limbility Act of 1950 (CERCLA), 42 U.S.C. \$3500(a). Please note the provisions of the Order that require immediate action on the part of \$3.5. Carolan Company, Inc. as a Respondent in the above-referenced matter. \$16-you have any questions, please contact ma at (913) 236-2307.

Sincerely,

J. Scott Peaberton Assistant Regional Counsel

Enclosura

bec: Steve Kinser, WST4 Ruben McCullers, ARTK

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OFCIANO WAVE "ENTOR CEMENT SENSITIVE"

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

IN THE MATTER OF:

MARTHA C. ROSE CHEMICALS, INC. Kansas City and Holden, Missouri,

and

ENVIRONMENTAL TECHNOLOGY, INC. North Tonawanda, New York,

and

AMERICAN STEEL WORKS, INC. Kansas City and Holden, Missouri,

and

W.C. CAROLAN COMPANY, INC. Kansas City and Holden, Missouri,

and

WALTER C. CAROLAN Mission Hills, Kansas,

and

CITY OF HOLDEN, MISSOURI,

and

LEAR SIEGLER, INC. Pasadena, California,

Respondents.

Proceedings Under Section 106
(a) of the Comprehensive
Environmental Response,
Compensation, and Liability
Act of 1980, 42 U.S.C. §9606

Docket No. 86-F-0006

ORDER

FOR CEMENT SENSITIVE"

JURISDICATION

This Order is issued to Martha C. Rose Chemicals, Inc. (hereinafter Respondent Rose), Environmental Technology, Inc. (hereinafter Respondent ETI), American Steel Works, Inc. or Mo American Steel Works, Inc. (hereinafter Respondent American), W.C. Carolan Company, Inc. (hereinafter Respondent Carolan Company), Walter C. Carolan (hereinafter Respondent Carolan), the City of Holden, Missouri (hereinafter Respondent Holden) and Lear Siegler, Inc. (hereinafter Respondent Lear Siegler), pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(a), by authority delegated to the undersigned official by the Administrator of the United States Environmental Protection Agency (EPA) by EPA Delegation Nos. 14-14-A and 14-14-B, dated April 16, 1984. Authority to issue this Order was delegated to the Administrator of EPA by Executive Order 12316 dated August 14, 1981, 46 Fed. Reg 42237 et seq. (1981).

FINDINGS OF FACT

1. Respondent Rose, a Missouri Corporation, operated, from early 1982 until the present, a business primarily engaged in the brokerage of PCBs and PCB items, in the processing of PCB capacitors and transformers for disposal, and in the decontamination of mineral oil dielectric fluids contaminated with PCBs. The principal facility at which Respondent Rose

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operated the aforementioned business is located at 500 W. McKissock, Holden, Missouri (hereinafter the Holden facility).

- 2. Respondent ETI, a Delaware Corporation, pursuant to a contractual agreement with Respondent Rose, is presently the operator of the Holden facility.
- 3. Respondent Holden owns the property, upon which Respondent Rose operates the aforementioned business, and leases the said property to Respondent Lear Siegler (a Delaware Corporation authorized to business in the State of Missouri) which subleases the said property to Respondent Carolan Company, a Missouri Corporation.
- 4. Respondent Rose pays rent on the said property to Respondent American, a Kansas Corporation authorized to do business in the State of Missouri.
- 5. Respondent Carolan owns 100% of the capital stock of Respondent Carolan Company and Respondent American and 51% of the capital stock of Respondent Rose. Respondent Carolan is also the chief executive officer and President of Respondents Rose, American and Carolan Company.
- 6. The work force of Respondent Rose are employees of Respondent American and received paychecks from Respondent Carolan Company and Respondent American.
- 7. Under authority of 40 C.F.R. §761.60(e), EPA-Region VII issued to Respondent Rose: (1) an approval,

effective March 15, 1983, to decontaminate mineral oil dielectric fluids contaminated with PCBs at concentrations equal to or less than 10,000 ppm (this approval expired March 15, 1986); (2) an approval, effective October 15, 1983, to process PCB capacitors for disposal; and (3) an approval, effective July 1, 1984, to process PCB transformers for disposal. A condition of each approval was that Respondent Rose comply with all Federal environmental requirements.

- 8. As a result of an inspection of Respondent Rose's facility in Holden, Missouri, on or about November 3 and 4, 1983, it was determined that Respondent Rose was in violation of the regulations in 40 C.F.R. Part 761, promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. §2605(e), to-wit: the storage and marking of PCBs and PCB items (40 C.F.R. §§761.65 and 761.40, respectively).
- 9. As a result of the inspection referred to in paragraph 8, preceding, EPA issued a Complaint and Notice of Opportunity for Hearing to Respondent Rose on March 26, 1984, seeking penalties for the aforementioned violations. Respondent Rose and EPA entered into a Consent Agreement and Final Order whereby Respondent Rose admitted the violations, agreed to pay a civil penalty, and agreed to comply with certain provisions of 40 C.F.R. Part 761.

- 10. As a result of an inspection of Respondent Rose's facility conducted by EPA on or about August 7-15, 1984, it was determined that Respondent Rose had failed to comply with the provisions of the Consent Agreement and Final Order referred to in paragraph 9, preceding, and was in violation of the regulations in 40 C.F.R. Part 761, promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. §2605(e), to-wit: the storage, marking and disposal of PCBs and inadequate recordkeeping regarding PCBs (40 C.F.R. §§761.65, 761.40, 761.60, and 761.180, respectively). Respondent Rose was also in violation of the conditions of each of the approvals specified in paragraph 7, above, in violation of 40 C.F.R. §761.60(e).
- 11. As a result of the inspection referred to in paragraph 10, preceding, EPA issued a Complaint and Notice of Opportunity for Hearing to Respondent Rose on February 25, 1985, seeking penalties for the aforementioned violations.

 On or about September 27, 1985, Respondent Rose and EPA entered into a Consent Agreement and Final Order whereby Respondent Rose agreed to pay a civil penalty and to come into compliance with the applicable PCB rules and regulations in 40 C.F.R. Part 761.
- 12. Subsequent inspections of Respondent Rose's facility by EPA on December 19, 1985, January 7 and March 17, 1986, revealed continuing and additional marking, storage, disposal and distribution in commerce violations of the PCB resulations, 40 C.F.R. Part 761.

- metal from the processing of PCB items is salvaged and sold. In December of 1985, EPA collected samples from scrap metal distributed in commerce by Respondent Rose to two separate businesses in Kansas City, Missouri. Analyses of five (5) copper strip samples and seven (7) swab samples indicated the presence of PCBs in concentrations ranging from 19 ug/100 cm² to 40,000 ug/100 cm². The said scrap metal had not been decontaminated by Respondent Rose in accordance with the requirements of condition \$2 of both the transformer and capacitor processing for disposal approvals in violation of 40 C.F.R. §761.60(e). Respondent Rose was therefore also in violation of 40 C.F.R. §761.20(c) for distributing PCBs in commerce.
- Missouri Department of Natural Resources have indicated
 Respondent Rose allowed PCB contaminated water to be released
 into the Holden city sewer system. PCBs have been detected
 in fauna samples downstream from the Holden facility, in
 sludge drying beds at the Holden city sewage treatment plant
 downstream from Respondent Rose's Holden facility, and in
 branch and creek sediments downstream from the Holden facility.
- 15. Respondent Rose has, since approximately March 1, 1986, ceased active operations onsite. PCBs have remained onsite longer than allowed under 40 C.F.R. §761.65, thereby

FOR CEMENT SENSITIVE"

demonstrating Respondent Rose's unwillingness or asserted inability to properly dispose of PCBs and PCB items in accordance with 40 C.F.R. Part 761 and with the approvals specified in paragraph 7, above. In written statements to EPA and to its customers (the generators), Respondent Rose has expressed its unwillingness and inability to properly dispose of PCBs and PCB items at the Holden facility unless the generators of the said materials provide additional financial assistance.

- 16. Respondent Rose's facility is located within the city limits of Holden, Missouri, and is located immediately adjacent to other active business entities, and immediately adjacent to residential areas on two sides, and an agricultural area on the other side. Although the Holden facility has a barbed wire fence with a gate, access to the Holden facility has been observed to be unrestricted.
- thereafter, a release of PCB contaminated oil from a parked tanker truck occurred at the Holden facility. The released material ran into a holding pond for the Holden facility tank farm and into a storm sewer manhole, which empties from an outfall into a tributary of the East Branch of Pin Oak Creek. Oil residue was observed for approximately 1000 yards from the outfall to where the tributary empties into the East Branch of Pin Oak Creek. In addition, oil sheens were observed at

various points within the tributary and in the East Branch of Pin Oak Creek near the Holden wastewater treatment plant. Analytical results from oil and sediment samples taken from the said branch revealed PCBs in concentrations of 2.1 to 90 ppm.

18. Based on the apparent continuing violations of 40 C.F.R. Part 761, on the proximity of the Holden facility to residential areas, on the apparent non-restricted access to the Holden facility, and on the past release(s) of PCBs into the environment, there exists a threat of release of PCBs into the environment due to fire, vandalism, inadvertent or deliberate spillage of PCBs, or other acts.

CONCLUSIONS OF LAW

- 1. Respondent Rose, Respondent ETI, Respondent American, Respondent Carolan Company, Respondent Carolan, Respondent Holden, and Respondent Lear Siegler are each a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. §9601(21).
- 2. PCBs are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. §9601(14).
- 3. The real property and buildings located at 500 W. McKissock, Holden, Missouri, and each and every other location wherein PCBs are located are each separately and/or together a "facility" as defined by Section 101(9) of CERCLA, U.S.C. §9601(9).

4. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment which has occurred or which may occur constitutes a "release" as defined by Section 101(22) of CERCLA, 42 U.S.C. §9601(22).

DETERMINATION

Based on the foregoing Findings of Fact and Conclusions of Law, the undersigned has determined that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of the actual or threatened release of a hazardous substance from the facility(s). It has been further determined that in order to protect public health and welfare and the environment, it is necessary that the response actions, set forth in the following Order be undertaken. The response actions required by the terms of this Order are consistent with the National Contingency Plan, 40 C.F.R. Part 300, and will present or mitigate immediate and significant risk of harm to human life or health and to the environment.

ORDER

Immediate Response Action

IT IS HEREBY ORDERED AND DIRECTED THAT:

l. Respondent Rose and Respondent ETI, their agents, representatives, employees and consultants shall, immediately upon receipt of this Order, take the following

"ENFORCEMENT SENSITIVE"

actions to address immediate threats to human health or welfare or the environment.

- (a) With respect to the PCB oil spill referred to in paragraph 17 of the Findings of Fact:
- (1) remove and containerize all freeflowing oils resulting from the said spill;
- (2) excavate and containerize all contaminated soils, tributary and creek sediments, and other materials resulting from the said spill;
- (3) dispose of, in accordance with 40 C.F.R. §761.60, all PCB contaminated materials containerized as a result of actions taken pursuant to this subparagraph;
- (4) collect and analyze samples, subsequent to the required response activities, to insure clean-up of PCB contaminated oil and soils to EPA approved levels.
- (b) With respect to the tanker truck which was the source of the spilled PCB materials, referred to in paragraph 17 of the Findings of Fact, drain the said tanker truck into a secure tank truck or other approved container(s) and decontaminate said tanker truck in accordance with 40 C.F.R. §761.79 or dispose of said tanker truck in accordance with 40 C.F.R. §761.60(c).
- (c) Locate all tractor, trailer, and tanker trucks and any other unsecured tankage, presently containing PCB contaminated oil at the Holden facility, inside a imperme-

ENFORCEMENT SENSITIVE"

able bermed area of sufficient capacity to contain the total capacity of all tankage so located, with a minimum freeboard of twelve (12) inches. Any trucks, tractors or tanker trucks that were exposed to PCB contamination and that are currently stored offsite shall be stored onsite in accordance with this paragraph.

Initial Response Action

IT IS FURTHER HEREBY ORDERED AND DIRECTED THAT:

- 2. Unless otherwise specifically required by this Order, Respondent Rose and Respondent ETI, their agents, representatives, employees and consultants are immediately, upon receipt of this Order, prohibited from accepting any . PCBs or PCB items for processing, storage, or disposal at its facility in Holden, Missouri, without further specific approval by EPA.
- 3. Unless otherwise specifically required by this Order, Respondent Rose and Respondent ETI, their agents, representatives, employees and consultants are immediately, upon receipt of this Order, prohibited from disposing of, handling or otherwise removing from its facility, any PCBs or PCB items presently in storage or otherwise located at Respondent Rose's facility in Holden, Missouri, unless such disposal, handling or removal is specifically approved by EPA and performed in the manner specified in the PCB rules and regulations at 40 C.F.R. §761.60 and in accordance with applicable paragraphs 4 through 13, following.

NFOR CEMENT SENSITIVE"

- 4. Respondent Rose and Respondent ETI, their agents, representatives, employees and consultants shall immediately, upon receipt of this Order, cease all inventory work until such time that the plan for conducting the inventory, specified in paragraph 6, following, is approved or conditionally approved by EPA.
 - 5. Respondent Rose and Respondent ETI, their agents, representatives, employees and consultants shall immediately, upon receipt of this Order, take such measures as necessary to restrict access and provide security to the property upon which Respondent Rose's facility operates. Such restrictions on access and providing security shall include the following:
- (a) establishment of twenty-four (24) hour security onsite with the presence of trained security personnel at all times;
- (b) the posting of warning signs adequate to warn the public of the presence of PCBs and other hazardous wastes, if any;
- (c) establishment of EPA approved warning and notification systems adequate to immediately warn local, state and federal authorities of any fire, spill or other release at the Holden facility; and
- (d) construction of a complete EPA approved chain link security fence surrounding the Holden facility to prevent access to unauthorized personnel.

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Final Response Action

IT IS FURTHER ORDERED AND DIRECTED THAT:

- 6. Respondents Rose, ETI, American, Carolan Company and Carolan shall, within ten (10) working days of receipt of this Order, submit to EPA a detailed plan both for conducting an inventory of all PCBs and PCB items presently located at the Holden facility and for removal of all PCBs and PCB items from the Holden facility. Said inventory/disposal plan shall at a minimum:
- (a) provide for, with respect to the inventory, identification of each PCB container and, for each PCB container, identification of each generator whose PCBs or PCB items are contained therein and the quantity and PCB concentration of material from each such generator;
- (b) provide for the disposal of all PCBs, including all contaminated soils and sediments, and PCB items in accordance with the applicable provisions of 40 C.F.R. §§761.60(a), 761.60(d), and 761.60(e);
- (c) provide for a sampling and analysis program whereby the extent and magnitude of any contamination of soils, sediments, surface or subsurface waters, or other portions of the environment, resulting from the release [as defined by 42 U.S.C. §9601(22)] of PCBs or other hazardous substances at or from the facility, will be determined;

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early and the same of the

- (d) provide, for all PCBs and PCB items disposed of pursuant to this Order, for the development and maintenance of records which shall include the information set forth in 40 C.F.R. §761.180(b)(1) through (4) and required by condition \$10 of the aforementioned approvals to process PCB capacitors and PCB transformers for disposal (such records shall immediately be made available to EPA upon request);
- (e) provide for the performance of all actions under the terms of this Order in accordance with all applicable EPA standards and procedures, including but not limited to sample and analytical procedures, personnel protection standards, decontamination procedures and site safety guidelines; and
- (f) provide a schedule for the implementation of all elements of the inventory/disposal plan.
- 7. Respondents Rose, ETI, American, Carolan Company, and Carolan shall, within thirty (30) calendar days of receipt of EPA's approval or conditional approval of the inventory plan described in paragraph 6 of this Order, complete the said inventory and submit a report of said inventory to EPA.
- 8. Respondents Holden and Lear Siegler shall provide all access to the aforementioned property necessary for Respondent Rose, ETI, American, Carolan Company and Carolan to implement the terms of this Order. Such access shall also be provided EPA and the State of Missouri and their authorized representatives.

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- 9. Respondents Rose, ETI, American, Carolan
 Company and Carolan shall, by 5:00 p.m. on May 30, 1986,
 provide telephonic and written notification to J. Scott
 Pemberton, Assistant Regional Counsel, Office of Regional
 Counsel, 726 Minnesota Avenue, Kansas City, Kansas 66101,
 (913) 236-2809, as to what actions said Respondent intends to
 undertake pursuant to the terms of paragraphs 2 through 13 of
 this Order.
- or related to the response actions taken pursuant to this
 Order for a period of time not less than seven (7) years
 after completion of all activities specified in the approved
 plan. Such records include, but are not limited to results
 of sampling analyses, chain-of-custody records, manifests,
 trucking logs, receipts, reports, records pertaining to the
 destination of the hazardous substances, correspondence and
 any other documents related to the response actions undertaken
 pursuant to this Order.
- this Order and the approved plan or conditionally approved plan shall be performed by Respondent as may be directed by the EPA on-scene coordinator (OSC) or his designee pursuant to the OSC's authority as set forth in of 40 C.F.R. Part 300. If at any time the EPA OSC determines that any of the response

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actions are not being performed in accordance with EPA guidelines, standards, regulations or good engineering practice, he shall have the authority to: (1) require Respondents to perform any particular response action in accordance with his instructions as may be necessary to avoid or mitigate any real or potential endangerment to the public health, welfare and/or the environment; or (2) undertake any of the response actions required by the terms of this Order.

12. All documents including records and reports, requested or required to be submitted to EPA pursuant to this Order shall be delivered to:

Robert L. Morby
Waste Management Division
U.S. Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

13. All actions undertaken pursuant to this Order by Respondents or their representatives shall be done in accordance with all applicable federal, state, and local laws and regulations.

MISCELLANEOUS

Reservation of Rights

EPA retains the right to determine whether further response actions are necessary at the said facility and to require such further actions pursuant to authority under law, including but not necessarily limited to Section 106 of CERCLA,

42 U.S.C. §9606, Section 7003 of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), and Sections 6(e), 7, 15 and 17 of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2605(e), 2606, 2614 and 2616. Nothing in this Order shall be construed to limit such authority.

Nothing in this Order shall be construed to prevent EPA from seeking legal or equitable relief to enforce the terms of this Order or from taking other actions it deems appropriate or necesary to protect the public health, welfare or environment.

Penalties for Non-Compliance

Respondents are hereby advised that, pursuant to Section 106(b) of CERCLA, 42 U.S.C. §9606(b), any person who willfully violates or fails or refuses to comply with this Order may, in an action brought in the appropriate United States district court to enforce this Order, be fined not more than \$5,000 for each day in which such violation occurs or such failure to comply continues.

Respondents are further advised that, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. §9607(c)(3), any person who is liable for a release or threat of release of a hazardous substance and who fails without sufficient cause to properly provide the removal or remedial actions specified in the States for punitive

damages in an amount at least equal to and not more than three times, the amount of any costs incurred by the government as a result of such failure to take proper action.

Opportunity to Confer

By 5:00 p.m. on May 28, 1986, Respondent may request a conference with EPA to discuss the terms and conditions of paragraphs 2 through 13 of the Order. The person to contact will be, during business hours, J. Scott Pemberton, Assistant Regional Counsel, Office of Regional Counsel, at (913) 236-2809.

Effective Date

As to each Respondent, this Order is effective immediately upon receipt of this Order by that Respondent and all times for performance of response actions pursuant to this Order shall be calculated from that time and date.

IT IS SO ORDERED.

Morras Kay

Regional Administrator

U.S. Environmental Protection Agency

Region VII

J. Seott Pemberton

Assistant Regional Counsel

U.S. Environmental Protection Agency

Region VII

5/23/86 Date

SCIPS FIRM



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

BY HAND DELIVERY

Mr. Walter C. Carolan Martha C. Rose Chemicals, Inc. 2459 Charlotte Street Kansas City, Missouri 64101

Mr. Scott J. Goldstein Spencer, Fane, Britt & Browne 1000 Power & Light Building 106 West 14th Kansas City, Missouri 64105

Re: Martha C. Rose Chemicals, Inc. Holden, Missouri

Dear Messrs. Carolan and Goldstein:

We have been informed that Martha C. Rose Chemicals, Inc., has notified its work force at the Holden, Missouri facility that the facility will cease operations on Friday, February 28, Information presented by the company in its closure plan of October 1, 1985, and information developed during several recent inspections of the site by Environmental Protection Agency (EPA) personnel indicate that there are large quantities of PCB items on-site, consisting of PCB capacitor core material, PCB oil, PCB transformers, PCB containers, and PCB process equipment which has become contaminated during operational activities. If the facility is to be closed, all PCB material, and all equipment, soil, and other contaminated items at the facility must be appropriately decontaminated and disposed of. The EPA's rough estimates of the cost of closure indicate that over \$500,000 may be required to properly decontaminate and dispose of these materials in accordance with regulations issued pursuant to the Toxic Substances Control Act (TSCA) (15 U.S.C.A. §2601, et seq.)

Failure to properly dispose of the PCB articles at the facility as required by the TSCA may constitute a violation of law. Also, recent inspections of the facility by EPA personnal indicate that any failure to properly dispose of the PCB articles, and to properly safeguard the facility pending full closure will constitute a threat of the release of those substances

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into the environment, giving rise to jursidiction under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (40 U.S.C.A §9601, et seq.).

Therefore, pursuant to the authority of TSCA (15 U.S.C.A. §2610) and CERCLA (42 U.S.C.A. §9604(e)), I am requesting that either of you advise this office immediately, in writing, whether, in fact, Martha C. Rose Chemicals, Inc., intends to cease operations at its Holden, Missouri facility, and if so, on what date; whether sufficient personnel will be employed at the site pending permanent disposal of the PCBs located thereon to provide adequate security and to report any accidental release, vandalism, or other threat of release of those substances into the environment; and whether Martha C. Rose Chemicals, Inc., will fully implement and fund the closure plan presented to EPA by letter of October 1, 1985.

Further, EPA expects Martha C. Rose Chemicals, Inc., to comply with its obligations to dispose of the PCBs at the facility in accordance with law, and to meet the technical and financial requirements of the closure plan presented by the company. If you have any information which suggests that any of these requirements will not be met, you should advise EPA immediately.

Your immediate written response to these questions will enable this agency to meet its requirements under law with respect to protection of public health and the environment. Of course, we would be available for discussion with you or your attorneys regarding these and other related matters.

Sincerely yours,

Morris Kay

Regional Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7 25 FUNSTON ROAD KANSAS CITY, KANSAS 66115

DATE: April 18,86

	MEMODANDUM	1
	MEMORANDUM Final Samples Revort	
	SUBJECT: Holden Pond Transformers - U. I.I. M.	
•	SUBJECT: Final Sampling Report Holden Pond Transformers - Holden, Mo. FROM: Charles P. Hensley Chief, EP&R/ENSV Chief, EP&R/ENSV	
	TO: Robert L. Morby Chief, SPFD/WSTM	
	Attached for your review is:	
	_ Data Transmittal	
	_ Work Plan	
	ズ Trip Report	•
	Preliminary Assessment	
	HRS Form with Supporting Documentation	
	Final Report on a Full-Field Investigation	
	If you have any questions or comments, please contact Ron at 236-3888.	McCutcheon
	Attachments	
	cc: _ LABO	
	_ RCRA	
	SPFD TO SE A PETER	
	区 Leo Alderman . TOPE /ARTX 区 Jim Long MDNR	* .
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	John C. Wicklund Director. ENSV	
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Suite 306, Gateway Centre II 4th & State Avenue, Kansas City, KS 66101 • (913) 621-6240

TECHNICAL ASSISTANCE TEAM FOR EMERGENCY RESPONSE REMOVAL AND PREVENTION EPA CONTRACT 68-01-6669

TO: Ron McCutcheon, EP&R/ENSV

April 9, 1986

THRU: 🖁

Wakobert L. Sholar, Region VII TATL

TAT-07-F-01489

FROM:

Jeffrey D. Slater, Region VII TATM

TDD #07-8603-11

SUBJECT: Holden Pond Transformers

PCS #5238

On 7 March, 1986 Jeff Slater and Mike Clemons of the Region VII TAT were requested to investigate reported transformers in an unnamed pond in Holden, Missouri. The report was called in by a local resident of Holden, Mr. Mike Brown. Mr. Brown, a city employee, located and retrieved a transformer from a pond generally used by residents for fishing. His concern was possible contamination of polychlorinated biphenols (PCBs).

Slater and Clemons arrived in Holden to meet with Mr. Brown at 1305 hours at the police station. After a brief discussion with him the responders followed Mr. Brown to the unnamed pond just outside the city limits. Mr. Brown pointed out the transformer he had retrieved and spotted approximately three more still in the pond. The TAT and Mr. Brown pulled one additional transformer from the pond. Both were just the shell of the transformer and had no label indicating the presence of PCBs. Neither transformer had any identifying labels or serial numbers. The site history indicated that at one time there were approximately 25 transformers laying around the bank of the pond as reported by a local county Sheriff.

The TAT attempted but was unable to contact C.E. Poindexter, EPA/TOPE After informing Bob Sholar of the situation, Clemons contacted Mr. Poindexter. He requested TAT to contact Bill Keffer and have Bill call him on Monday 10 March, 1986 to decide what needed to be done next.

On Monday 10 March, Ron McCutcheon and Jeff Slater met with C.E. Poindexter and two other TOPE members to discuss further actions. It was decided to sample the pond, sediments and one of the transformers. Mr. McCutcheon tasked Slater to prepare and submit a sample plan the following day and for implementation at the end of the week. Attached is a copy of the plan.

On 14 March, Jeff Slater contacted Mayor Brillhart and informed him of the plan to sample and asked him for information concerning ownership of the property. He told Slater that the pond was located on the Miller estate but they were located out of state. At 1115 hours Jeff Slater and Wood Ramsey

F. Weston, Inc.

SPILL PREVENTION & EMERGENCY RESPONSE DIVISION

In Association with ICF Inc., Jacobs Engineering Group Inc., C.C. Johnson & Associates, Inc., and Tetra Tech, Inc., Inc.

arrived at the Mayor's real estate office, although he was not in at the time. The Mayor had still not returned by 1200 so the TAT informed his secretary that they would be at the pond if he had any questions.

The TAT arrived at the pond (Lazy Lake as named by local residents) to obtain the samples. A small boat was used to sample the pond and sediments. Mike Brown attempted to obtain fish which could be used as samples if the pond or sediment samples came up positive. The samples taken and results are as follows:

Sample #	Sample type	Analysis results
AAC43001	Sediment sample	< 10 ug/kg
AAC43002	Sediment sample	< 10 ug/kg
AAC43003	Water sample	< 100 ug/l
AAC43004	Sediment sample	< 10 ug/kg
AAC43005	Sediment sample	< 10 ug/kg
AAC43006	Water sample	< 100 ug/l
AAC43007	Wet wipe sample	< 10 ug/wipe
AAC43008	Dry wipe sample	< 10 ug/wipe

As a result of the negative sample results it appears that that the investigation can be closed. Please notify if any further action is required.

JEFFREY D. SLATER

JDS/ic

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Suite 306, Gateway Centre II 4th & State Avenue, Kansas City, KS 66101 • (913) 621-6240

TECHNICAL ASSISTANCE TEAM FOR EMERGENCY RESPONSE REMOVAL AND PREVENTION EPA CONTRACT 68-01-6669

Ron McCutcheon, EP&R/ENSV

March 11, 1986

THRU:

Russell B. Krohn, Region VII ATATL REV.

TAT-07-F-01437

FROM:

Jeffrey D. Slater, Region VII TAIM

TDD #07-8603-11

SUBJECT: Holden Pond Sampling Plan

PCS \$5238

NAME OF SITE:

Unnamed pond, believed to be on the Miller estate. The pond is reported to be an old quarry and is approximately 3/4 acre in size.

SITE LOCATION:

The site is located near Holden, Missouri. Go north on Pine St. off of Second St. (Main). Follow Pine until it ends and take a right on to Elizabeth St.. Continue on Elizabeth approximately 1/2 mile further, where the pond is on the left.

SITE HISTORY:

In mid-1984, a report was submitted to EPA concerning transformers in a pond in Holden, Mo. Upon arrival, EPA personnel were unable to locate the pond, as the spill reporter heard about the transformers second or third hand.

On March 7, 1986 two TAT members were requested to respond to reported transformers in a pond north of Holden. Mr. Mike Brown, the city's animal control specialist, stated that while fishing at the unnamed pond, he pulled out what he thought to be a transformer. It is likely that the 1984 report concerned the same pond and transformers. After inspection of the , transformer, the TAT and Mr. Brown brought up another transformer shell. At least two additional transformer shells were spotted. Available information indicates 5 to 25 more shells exist in the pond.

OBJECTIVES OF SAMPLING INVESTIGATION:

To determine the presence or absence of Polychlorinated Biphenol's (PCBs) in the pond, sediments and/or transformer hulls.

Association with ICF Inc., Jacobs Engineering Group Inc., C.C. Johnson & Associates, Inc., and Tetra Tech, Inc.,

CTATCTTTTTT

SPECIFIC SAMPLING RECOMMENDATIONS:

In order to determine whether PCB contamination exists in the pond, the following samples are proposed:

- 1) Four sediment samples Two samples will be taken from the general areas of the extracted transformers. The two remaining samples will be taken at random areas from the pond. A sediment dredge will be used to obtain the samples.
- 2) Two water samples Two water samples will be taken from aliquots taken, one from each half of the pond. A thieving rod will be used to obtain the samples.
- 3) One wipe sample a 2500 cm2 area from the inside of one of the recovered transformer hulls will be sampled.

SAMPLE ANALYSIS:

All samples obtained from the above outlined samples will be analyzed for PCBs in the EPA Regional Iab. A quick turn around time is requested.

EQUIPMENT:

General Equipment:

Small boat

Sample Equipment:

8 oz. jars 1 gal. jugs filter paper dredge sampler thieving field sheets and tags chain of custody decon equipment

Personnel Protective Gear:

rain gear rubber boots rubber gloves

Sample Packaging Equipment:

coolers
fiber tape
poultry bags
hazard labels

paint cans can clips vermiculite

REGION VII TAIM

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE 3-27-86

subject Transmittal of Laboratory Data

Fild

Robert D. Kleopfer, Ph. D. Co K Chief, Laboratory Branch, ENSV

70. Art Spratlin

Analyses have been completed for the following activities and the data results are attached.

Activity No.	Description
AAC 43	Holden Pond
	(complete transmittal)
	(Complete Hansmila)
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cc: Data Files
Charles Hensley

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EPA REGION VII DATA QUALIFICATION CODES

- U Compound was not detected.
- M Compound was qualitatively identified; however, quantitative value is less than contract required detection limits (CLP data); or value is less than limit of quantitation (EPA data).
- J Compound was qualitatively identified; however, compound failed to meet all QA criteria and therefore is only an estimated value.
- I Analysis attempted, but no results can be reported.
- 0 Sample lost or not analyzed.
- L Value known to be higher than value reported.

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FIELD SHEET ENVIRONMENTAL PROTECTION AGENCY — REGION VII SURVEILLANCE AND ANALYSIS DIVISION, 25 FUNSTON ROAD, KANSAS CITY, KANSAS 65115

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FIELD SHEET ENVIRONMENTAL PROTECTION AGENCY — REGION VII SURVEILLANCE AND ANALYSIS DIVISION, 25 FUNSTON ROAD, KANSAS CITY, KANSAS 65115

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MEMORANDUM

SUBJECT: PCB_Analysis in Holden Pond Samples .

TO:

Harold G. Brown, Ph.D.

Chief, Analytical Section, LABO-ENSV

FROM:

Ramon Rodriguez Kauna (1995)

Environmental Protection Sepecialist, LABO-ENSV

AAC43007 Wipe - Less than 10 ug/wipe

AAC43008 Wipe - Less than 10 ug/wipe

AAC43003 Water - Less than 100 ug/l

AAC43006 Water - Less than 100 ug/l

AAC43001 - Less than 10 ug/kg

AAC43002 - Less than 10 ug/kg

AAC43004 - Less than 10 ug/kg

AAC43005 - Less than 10 ug/kg

RODRIGUEZ:JB:3-21-86

ENFORCEMENT SENSITIVE"

ANALYSIS TYPE: PCB'S

TLE: HOLDEN POND

MATRIX: SEDIMENT METHOD: 7221500 UNITS: UG/KG CASE:

F: EFA 7

CFLE PREF: ____ ANALYST/ENTRY: IRR

REVIEWER: ______ DATE: 03/20/85

SAMPLE NUMBERS

COMPOUND	AAC430	01	AAC430	02	AAC43 <u>0</u>	04	AAC 430	05
CR 1242	30.0	U	30.0	U	30.0	U	30.0	u
[h 1254	35.0	U	35.0	U	35.0	U	35.0	Ū
11 1221	25.0	·U	25.0	ប	25.0	ប	25.0	ū
CF 1232.	10.0	U	10.0	U	10.0	U	10.0	Ū
C5 1248	30.0	ប	30.0	ប	30.0	ប	30.0	บ
CB 1260	10.0	U	10.0	U.	10.0	u	10.0	U
CB 1016	30.0	U	30.0	U	30.0	U	30.0	U

ANALYSIS TYPE: PCB'S

TIF: HOLDEN POND

B: EFA 7

MALE PREP: ____ ANALYST/ENTRY: IRR

MATRIX: WATER UNITS: UB/L CASE:

REVIEWER: _____

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ţ

DATE: 03/20/86

SAMPLE NUMBERS

		AAC4300	AAC43006			
	COMPOUND					
(F	1242	0.35	U	0.35	U	
CB	1254.	0.4	U	0.4	U	
CF	1221	0.3	IJ	0.3	IJ	
CB	1232	0.1	U	0.1	บ	
·CB	1248	0.35	U	0.35	Ü	
CB	1260	0.1	บ	0.1	บ	
CB	1016	0.35	U	0.35	U	

ANALYSIS TYPE: WIPE SAMPLES--PCBS ONLY

UNITS: USTKO

ITLE: HOLDEN POND

AE: EPA 7
-IMPLE PREP:____ ANALYST/ENTRY: IRR

HATRIX: SEDIMENT

METHOD: 7221500

CASE: REVIEWER: _____ DATE: 03/20/86

SAMPLE NUMBERS

		AAC43007		AAC4300	8
	COMPOUND				
·CB	1242	0.8	U	0.8	U
CB	1248	0.8	U	0.8	บ
·CB	1254	0.9	U	0.9	U
TB	1260	0.25	U	0.25	U



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

安徽公司的特别的 医维拉氏征

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

April 23, 1986

Mr. Phillip E. Badame
President
Environmental Technology, Inc.
c/o Rose Chemical Company
2459 Charlotte Street
Kansas City, Missouri 64108

RECEIVED

APR 2 4 1986

TOXICS & PESTICIDES
BRANCH

Dear Mr. Badame:

At the meeting in our offices on April 17, 1986, you explained your plans to commence activities leading to a clean-up of the Martha C. Rose Chemical Company (MRC) warehouse at Holden, Missouri. You also informed us that Environmental Technology, Inc. (ETI), intends to acquire MRC, and gave us a copy of a letter of April 14, 1986, to Walter C. Carolan, President, MRC, which confirms that agreement, contingent on several conditions. We understand that ETI is now operating in Missouri from the offices of MRC.

As we informed you at the meeting, the Environmental Protection Agency's (EPA) concerns about MRC are related primarily to the environmental and health problems presented by the large quantities of PCB materials at the Holden warehouse and the numerous violations of the Toxic Substances Control Act (TSCA) connected thereto. We have taken no action to date to require that MRC cease operations, but have taken action to require that any continuing operations be in compliance with the PCB laws and regulations, and avoid a threat to health or the environment. If ETI intends to pursue the acquisition of MRC, there are several facts of which you should be aware. Among the terms and conditions for acquisition of MRC identified in your letter are:

any and all deficiencies which are currently an impediment to the future of Rose Chemical Company. In this light it is absolutely essential that we have the assurance of Region VII Environmental Protection Agency that if all deficiencies are corrected, they will renew the PCB permits as they reach their expiration dates. . . and

ENFORCEMENT SENSITIVE"

In order for Environmental Technology, Inc., to complete the remediation project at the Holden, Missouri facility, it is essential that Region VII Environmental Protection Agency keep the permits in force so that we may process the PCB material at the site and complete the disposal process.

As we informed you at the meeting, the current PCB permits are under separate Notices of Intent to Suspend or Revoke, issued on February 13, 1986. The Notices required MRC to perform numerous corrective activities to assure compliance with the PCB regulations and the terms of two outstanding Orders on Consent issued for past violations. The Notices of Intent to Revoke are attached, as well as the Orders on Consent, so that you may understand the nature and extent of the environmental problems at the Holden facility. The EPA has inspected the facilities and documented additional violations since the Notices of Intent were issued, but no further action has been taken at this time. Since the time of issuance of the Notices, no response has been received from MRC. One of the permits expired on March 15, 1986. The second permit is scheduled for expiration on October 15, 1986. Under these circumstances; EPA cannot provide any assurance that the remaining PCB permits will be renewed as they reach their expiration dates. However, as we explained at the meeting, ETI does have opportunity to qualify as a licensed PCB disposal facility under the same terms as any new applicant.

As we informed you at the meeting, if ETI or its Missouri subsidiary, Hazardous Waste Management, Inc., is to commence PCB disposal operations at the MRC facility, or any other location, TSCA regulations require that new permits be issued. A transfer or assumption of the permits presently held by MRC is not authorized by law.

If the acquisition of MRC by ETI does not occur, and ETI or MRC does not act to address the environmental and health problems at the site, we do wish to assure you that EPA is interested in providing assistance to any entity which is capable of undertaking the inventory, clean-up, and disposal of the PCBs and any other hazardous substances at the MRC warehouse at Holden, Missouri. Currently, based on the information available to us, we believe MRC is responsible for that activity, and we expect that they will perform their legal obligations. However, if MRC does not meet its legal obligations, the generators and responsible parties do have a legal responsibility for the clean-up. Under any circumstances, if the clean-up is to be undertaken by any entity, or consortium of responsible parties, there are two general conditions which must be met before any clean-up activities commence. Those conditions are:

- Any clean-up activities undertaken must lead to and be a part of a total clean-up of all PCBs and other chemical contamination at the site which is in violation of regulatory levels or of concern from a health or environmental endangerment standpoint. It is not acceptable to EPA that only a portion of the facility or of the contaminated materials at the site be cleaned up until there has been a plan for total clean-up prepared and committed to by financially responsible entities. We believe these conditions are important because of our concern for the possibility of health endangerment which may be created by a partial clean-up, and the possibility of additional expense for any parties which later will be responsible for the remainder of the partial clean-up as opposed to the costs of a coordinated, complete clean-up. Our expectation is that any clean-up would commence with an identification of the contaminated materials, buildings, and grounds at the site or offsite, an allocation of those items as to responsible parties, and proceed with a further engineering plan and feasibility study for the proper corrective action, including disposal, which takes into account the feasible alternatives for disposal and a comparison of the costs thereof.
- 2. Any clean-up undertaken at the site must take place under the structure of an enforceable order entered by EPA and the party or parties undertaking the clean-up. We believe this is a required part of any clean-up proposal due to the necessity of assuring that any clean-up undertaken will be followed through to its conclusion, and that the financial, institutional, and managerial responsibilities for the clean-up will be negotiated in advance, and carried through to conclusion by the party or parties who are responsible.

With respect to the draft letter which you provided us which you intend to send to the identified generator parties, we have comments which will be provided to you by separate letter.

We appreciate the information you have provided and will be available for any further discussion on these matters. Because we have had numerous inquiries from generators and other potentially responsible parties on this matter, we are sending copies of this letter to them to confirm our position.

Sincerely yours,

David R. Tripp Regional Counsel

Enflosures

blcc:

Morris Kay, Regional Administrator, EPA
Ronald R. Ritter, Congressional & Intergovernmental Liaison, EPA
Rowena Michaels, Director, Office of Public Affairs, EPA
William A. Spratlin, Jr. Director
Air & Toxics Substances Div., EPA
David A. Wagoner, Director, Waste Management Div., EPA
Leo Alderman, Chief, Toxics and Pesticides Branch, EPA
Robert L. Patrick, Associate Regional Counsel, EPA
Henry H. Rompage, Assistant Regional Counsel, EPA
Bruce Buckheit, Department of Justice
Following Generators:

Campbell's Soup Company Attn: Jim Currey Rt 110-E Napoleon, OH 43545

Campbell's Soup Company Attn: Bob Erickson Platte & Factory Street Fremont, NE 68025

Campbell's Soup Company Attn: P. Moeszinger 6200 Franklin Blvd. Sacramento, CA 95824

Campbell's Soup Company Attn: Jack Laird P.O. Box 29 Chestertown, MD 21260

Central Louisiana Electric Co. Attn: Paul Turregano P.O. Box 510 Pineville, LA 71360

Illinois Power Attn: Bart Idle P.O. Box 511 Decatur, IL 62525

Interstate Power Attn: H. H. Faherty 1000 Main Street Dubuque, IA 52001

Iowa Public Service Attn: Jack Hardy P.O. Box 778 Sioux City, IA 51102 Kansas Power & Light Attn: Bruce Caler P.O. Box 889 Topeka, KS 66601

Louisiana Power and Light Attn: Ed Peters P.O. Box 61009 New Orleans, LA 70161-1009

New England Power Attn: Bob Moon 25 Research Drive Westborough, MA 01581

Savannah Electric Attn: W. Watzgar P.O. Box 966 Savannah, GA 31402

Southwestern Electric Power Co. Attn: Tom Epperson P.O. Box 21106 Shreveport, LA 71156

Transformer Services Attn: Steven Booth Regional Drive Concord, NH 03301

West Texas Utilities Attn: Carl Norton P.O. Box 841 Abilene, TX 79604

WFORCEMENT SENSITIVE"

UNITED STATES ENVIRONMENTAL PROTECTION AGENC REGION VII 324 EAST ELEVENTH STREET KANSAS CITY, MISSOURI 64106

IN THE MATTER OF

TSCA Docket No. VII-84-T-181

Martha C. Rose Chemicals, Inc. PCB Division

CONSENT AGREEMENT AND FINAL ORDER

Respondent

Preliminary Statement

This proceeding for the assessment of civil penalties was initiated pursuant to \$16(a) of the Toxic Substances Control Act (hereinafter TSCA), 15 U.S.C. \$2615, as amended. The Complainant in this proceeding issued a Complaint and Notice of Opportunity for Hearing to Respondent, charging violation of certain regulations governing the manufacture, processing, distribution in commerce, use, disposal, storage and marking of polychlorinated biphenyls (PCBs), promulgated at 40 C.F.R. Part 761, pursuant to Section 6(e) of TSCA.

For purposes of this proceeding, Respondent does by this Consent Agreement and Final Order admit the jurisdictional allegations of the Complaint and admit the facts set out in the Findings of Fact below.

Respondent hereby explicitly waives its right to a judicial or administrative hearing on any issue consented to herein.

For purposes of this proceeding only, Respondent consents to the issuance of the Order hereinafter recited, and consents to the payment of a civil penalty in the amount hereinafter recited.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. An inspection of Respondent's facility at 500 McKissock Avenue, Holden, Missouri, on or about November 3 and 4, 1983, conducted by authorized employees of EPA, pursuant to \$11 of TSCA, 15 U.S.C. \$2610, revealed a bulk storage tank containing 3,065 gallons of oil contaminated with 92 ppm PCB, stored on a loading dock at the rear of the facility.

2. The tank referred to in paragraph 1 is a PCB container under the definition at 40 C.F.R. §761.3(v).

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- 3. The regulations at 40 C.F.R. §761.65(c)(1)(iv) require that PCB containers containing liquid PCBs at concentrations of between 50 and 500 ppm may be stored temporarily for 30 days provided a Spill Prevention Control and Counter Measures Plan (SPCC) has been provided for the storage area.
- 4. At the time of the November 3 and 4, 1983, inspection the PCB container referred to in paragraph 1 did not have an SPCC Plan as required at 40 C.F.R. §761.65(c)(1)(iv).
- 5. The November 3 and 4, 1983, inspection of Respondent's facility at 500 McKissock, Holden, Missouri, revealed the following storage areas with bulk PCB liquid storage:
 - (a) Storage area "A" 5 bulk tanks
 - (b) Storage area "B" 5 bulk tanks
 - (c) Storage area "C" 6 bulk tanks
 - (d) Storage area "D" 6 bulk tanks
- 6. The bulk tanks referred to in paragraph 5 are PCB containers under the definition at 40 C.F.R. §761.3(v).
- 7. The regulations at 40 C.F.R. §761.65(c)(7)(ii) require that any facility using a container for the storage of PCBs that are larger than the container specified in 40 C.F.R. §761.65(c)(6) shall prepare and implement a Spill Prevention Control and Counter Measures (SPCC) Plan.
- 8. At the time of the November 3 and 4, 1983, inspection, an SPCC Plan had not been prepared or implemented on the bulk tank referred to in paragraph 5.
- 9. Failure to follow the requirements of 40 C.F.R. §761.65(c)(1)(iv) and 40 C.F.R. §761.65(c)(7)(ii), both promulgated pursuant to §6(e) of TSCA, 15 U.S.C. §2605(e), renders Respondent in violation of §15(c) of TSCA, 15 U.S.C. §2614(1).
- 10. An inspection of Respondent's facility on November 3 and 4, 1983, at 500 McKissock, Holden, Missouri, conducted by authorized EPA employees pursuant to §11 of TSCA, 15 U.S.C. §2610, revealed a building referred to as the storage area "A" used to store drums of PCB material and bulk storage tanks.
- 11. The regulations at 40 C.F.R. §761.40(a)(10) require that each area used to store PCBs and PCB items for disposal be marked $M_{\rm I}$ as illustrated at 40 C.F.R. §761.45.
- 12. At the time of the November 3 and 4, 1983, inspection, storage area "A" was not marked M_L as required at 40 C.F.R. §761.40(a)(10).

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- 13. Failure to follow the requirements of 40 C.F.R. §761.40(a)(10) promulgated pursuant to §6e of TSCA, 15 U.S.C. 2605(c) render Respondent in violation of §15(c) of TSCA, 15 U.S.C. 2614(c).
- 14. Information voluntarily submitted to EPA on January 16, 1984, in response to EPA's January 5, 1984, request reveals that 146667.4 kg of PCBs stored for disposal prior to January 1, 1983, were stored at the Respondent's facility at 400 McKissock, Holden, Missouri, after January 1, 1984.
- 15. The regulationat 40 C.F.R. §761.65(a) requires that any PCB article or PCB container stored for disposal before January 1, 1983, shall be removed from storage and disposed of before January 1, 1984.
- 16. Failure to follow the requirements of 40 C.F.R. §761.65(a) promulgated pursuant to §6(e) of TSCA, 1;5 U.S.C., §2605(e), renders Respondent in violation of §15(1) of TSCA, 15 U.S.C. §2614(c).

Based on Findings of Fact and Conclusions of Law 1 through 16 above, the following Final Order is issued.

Final Order

- 1. Respondent shall provide by June 30, 1984, documentation that it has properly disposed of all PCB capacitor core material on hand, and subject to the regulatory disposal date of January 1, 1984, by May 15, 1984.
- 2. Respondent shall properly dispose of all PCB transformers on hand and subject to the regulatory disposal date of January 1, 1984, by August 31, 1984.
- 3. Respondent shall provide by September 5, 1984, documentation that it has properly disposed of the transformers in Paragraph 2, by August 31, 1984.
- 4. Respondent shall pay a civil penalty of thirty thousand dollars (\$30,000), a portion of said penalty, specifically seven thousand dollars (\$7,000) shall be payable immediately upon Respondent's execution of this Consent Agreement and Final Order. Payment shall be by cashier's or certified check made payable to the United States Treasury. The check and the signed Consent Agreement shall be mailed to the Regional Hearing Clerk, U.S. EPA, 324 Eat 11th Street, Kansas City, Missouri 64106.
- 3. The remainder of the civil penalty, specifically twentythree thousand dollars (\$23,000) along with interest of 9% per annum on the unpaid balance, accruing from the date of this

Order, is deferred, and shall become payable only upon Respondent's failure to timely comply with any or all requirements of Paragraphs 1, 2, 3 or 4 above.

Failure to pay the civil penalty will result in commencement of a civil action in Federal District Court to recover the amount due.

RESPONDENT

Martha C. Rose Chemicals, Inc.

Ву	Maula	
Date	6/22/84	. —
	7 7	

COMPLAINANT

By Henry F. Rompage
Attorney
Office of Regional Counsel

Date	6-12-84
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It is so Ordered. The above Findings of Fact and Conclusions of Law are hereby incorporated into this Final Order, which shall become effective immediately.

Morris Kay Regional Administrator

Date 7-2-84

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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May 18, 1934

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CNSL: AIR & WATER

Honorable Edward B. Finch Chief Administrative Law Judge Environmental Protection Agency 401 M Street, S.W. Washington, D.C. 20460

TSCA CASE FILE.

Re: Martha C. Rose Chemicals, Inc.

PCB Division

TSCA Docket No. VII-84-T-181

Dear Judge Finch:

Respondent has filed an answer and request for hearing in the above captioned case. Enclosed are copies of all documents regarding this case for the assignment of a Presiding Officer. Please advise me of whom you assign.

Sincerely yours,

K.J. Ind Kield

Diana Reid Acting Regional Hearing Clerk

Enclosures

cc: Menry F. Rompage
Office of Regional Counsel
Environmental Protection Agency
324 East 11th Street
Kansas City, MO 64106
FTS: 753-2186
(816) 374-2186

Walter C. Carolan President Martha C. Rose Chemicals, Inc. PCB Division 2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

"ENFORCEMENT SENSITIVE"

2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

May 17, 1984

Regional Hearing Clerk United States Environmental Protection Agency Region VII 324 East 11th Street Kansas City, Mo. 64106

Re: TSCA Docket No. VII-84-T-181
Matter of Rose Chemicals, Inc. - PCB Division



Gentlemen:

Although we have agreed to a negotiated settlement verbally with the USEPA (Mr. Marvin Frye) we understand that agreement with Washington headquarters is necessary to validate such an agreement. In the event this validation is not forthcoming, we are hearby requesting a formal hearing. The following are our responses to the stated complaints:

I. Count 1.

- A. All but one of the tank storage areas, "A", "B", "C", and "D" (noted in the complaint) had not been in use long enough to require such a SPCC plan to be written.
- B. In all cases, such a SPCC plan had been implemented, however, it had not been written.
- C. The SPCC plan as a written document was being written at the time of the USEPA inspection.

II. Count 2

- A. The building to which the complaint was received was not dedicated entirely to PCB storage.
- B. A company permanent sign was attached to all entrances of the building designating that unauthorized persons are to stay out.
- C. Each and every item that was PCB contaminated and within the building was tagged with an official PCB sign and, further, located in a concentrated diked area where their existence and PCB status would be obvious.

"ENFORCEMENT SENSITIVE"

Regional Hearing Clerk May 17, 1984 Page Two

III. Count 3

A. Efforts had been made for a time period in excess of 6 months to contact the designated incineration disposal firms without apparent success and so it is the contention of M.C. Rose Chemicals, Inc. that despite USEPA assertions to the contrary, adequate incineration facilities do not exist.

Ministration of the State of th

B. The existing incineration facilities do not follow the guidelines of existing federal law and treat all firms in an even-handed and fair fashion. (Restraint of trade/ anti-trust laws.)

Martha C. Rose Chemicals, Inc. would intend to place the above noted facts at issue along with the lengthy correspondence and telephone file accumulated 'as documentation of our efforts to remain within the guidelines of EPA policy should the verbally settled agreement not be validated.

Sincerely.

Millele rulan Walter C. Carolan Compresident

WCC/v_

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION VII 324 EAST ELEVENIH STREET KANSAS CITY, MISSOURI 64106

BEFORE THE ADMINISTRATOR

IN THE MATTER OF) TSCA Docket No. VII-84-T-181
Martha C. Rose Chemicals, Inc. PCB Division) COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING
Respondent	j

COMPLAINT

Section I

Jurisdiction

- 1. This is an administrative action for the assessment of civil penalties instituted pursuant to \$16(a) of the Toxic Substances Control Act (hereinafter "TSCA"), 15 U.S.C. \$2615(a).
- 2. This Complaint serves as notice of the United States Environmental Protection Agency's (hereinafter "EPA") preliminary determination that Respondent has violated federal regulations addressing the manufacture, processing, use, distribution in commerce, disposal, storage and marking of polychlorinated biphenyls (hereinafter "PCBs"), 40 C.F.R. Part 761 (as recodified May 8, 1982), promulgated pursuant to \$6(e) of TSCA, 15 U.S.C. \$2605(e), and thereby has violated \$15 of TSCA, 15 U.S.C. \$2614.

Section II

<u>Parties</u>

- 3. The Complainant, by delegation from the Administrator of the U.S. EPA, is the Regional Administrator, EPA, Region VII.
- 4. The Respondent is Martha C. Rose Chemicals, Inc., PCB Division, 2459 Charlotte Street, Kansas City, Missouri 64108, a Missouri corporation engaged in the business of disposal of PCBs.

*ENFORCEMENT SENSITIVE

Martha C. Rose Chemicals, Inc. Docket No. VII-84-T-181 Page 2 of 7

Section III

Violations

5. The Complainant hereby states and alleges that Respondent has violated federal regulations, promulgated pursuant to TSCA, as follows:

Count 1

- 6. An inspection of Respondent's facility at 500 McKissock Avenue, Holden, Missouri, on or about November 3 and 4, 1983, conducted by authorized employees of EPA, pursuant to \$11 of TSCA, 15 U.S.C. \$2610, revealed a bulk storage tank containing 3,065 gallons of oil contaminated with 92 ppm PCB, stored on a loading dock at the rear of the facility.
- 7. The tank referred to in paragraph 6 is a PCB container under the definition at 40 C.F.R. §761.3(v).
- 8. The regulations at 40 C.F.R. §761.65(c)(l)(iv) require that PCB containers containing liquid PCBs at concentrations of between 50 and 500 ppm may be stored temporarily for 30 days provided a Spill Prevention Control and Counter Measures Plan (SPCC) has been provided for the storage area.
- 9. At the time of the November 3 and 4, 1983, inspection the PCB container referred to in paragraph 6 did not have a SPCC Plan as required at 40 C.F.R. \$761.65(c)(1)(iv).
- 10. The November 3 and 4, 1983, inspection of Respondent's facility at 500 McKissock, Holden, Missouri, revealed the following storage areas with bulk PCB liquid storage:

(a) Storage area "A" 5 bulk tanks

(b) Storage area "B" 5 bulk tanks

(c) Storage area "C" 6 hulk tanks

(d) Storage area "D" 6 bulk tanks

11. The bulk tanks referred to in paragraph 10 are PCB containers under the definition at 40 C.F.R. \$761.3(v).

ENFORCEMENT SENSITI

Martha C. Rose Chemicals, Inc. - Docket No. VII-84-T-181
Page 3 of 7

- 12. The regulations at 40 C.F.R. \$761.65(c)(7)(ii) requires that any facility using a container for the storage of PCBs that are larger than the container specified in 40 C.F.R. \$761.65(c)(6) shall prepare and implement a Spill Prevention Control and Counter Measures (SPCC) Plan.
- 13. At the time of the November 3 and 4, 1983, inspection a SPCC Plan had not been prepared or implemented on the bulk tank referred to in paragraph 10.
- 14. Failure to follow the requirements of 40 C.F.R. \$761.65(c)(1)(iv) and 40 C.F.R. \$761.65(c)(7)(ii), both promulgated pursuant to \$6(e) of TSCA, 15 U.S.C. \$2605(e), renders Respondent in violation of 15(c) of TSCA, 15 U.S.C. 2614(1).
- 15. Pursuant to \$16(a) of TSCA, 15 U.S.C. \$2615, and based upon the facts stated in paragraphs 6 through 13 above, it is proposed that a civil penalty in the amount of \$10,000 be assessed for Respondent's failure to properly store.

Count 2

- 16. An inspection of Respondent's facility on November 3 and 4, 1983, at 500 McKissock, Holden, Missouri, conducted by authorized EPA employees pursuant to \$11 of TSCA, 15 U.S.C. \$2610. revealed a building referred to as the storage area "A" used to store drums of PCB material and bulk storage tanks.
- 17. The regulations at 40 C.F.R. §761.40(a)(10) require that each area used to store PCBs and PCB items for disposal be marked $M_{\tilde{L}}$ as illustrated at 40 C.F.R. §761.45.
- 18. At the time of the November 3 and 4, 1983, inspection, storage area "A" was not marked $M_{\rm L}$ as required at 40 C.F.R. \$761.40(a)(10).
- 19. Failure to follow the requirements of 40 C.F.R. \$761.40(a)(10) promulgated pursuant to \$6e of TSCA, 15 U.S.C. 2605(c) render Respondent in violation of \$15(c) of TSCA, 15 U.S.C. 2614(c).
- 20. Pursuant to \$16 of TSCA, 15 U.S.C. 2615, and based upon the facts stated in paragraphs 16 through 18, it is proposed that a civil penalty in the amount of \$5,000 be assessed for Respondent's failure to properly mark.

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Martha C. Rose Chemicals, Inc. Docket No. VII-84-T-181 Page 4 of 7

Count 3

- 21. Information voluntarily submitted to EPA on January 16, 1984, in response to EPA's January 5, 1984, request reveals that 146667.4 kg of PCBs stored for disposal prior to January 1, 1983, were stored at the Respondent's facility at 500 McKissock, Holden, Missouri, after January 1, 1984.
- 22. The regulation at 40 C.F.R. \$761.65(a) requires that any PCB article or PCB container stored for disposal before January 1, 1983, shall be removed from storage and disposed of before January 1, 1984.
- 23. Failure to follow the requirements of 40 C.F.R. \$761.65(a) promulgated pursuant to \$6(e) of TSCA, 15 U.S.C. \$2605(e), renders Respondent in violation of \$15(1) of TSCA, 15 U.S.C. \$2614(c).
- 24. Pursuant to Section 16 of TSCA, 15 U.S.C. 2615, and based upon the facts stated in paragraphs 21 through 22 above, it is proposed that a civil penalty in the amount of \$15,000 be assessed.

SECTION IV

Relief

25. Section 16(a) of TSCA, 15 U.S.C. \$2615, authorizes a civil penalty of up to to \$25,000 per day for each violation of the Act. The penalties proposed in paragraphs 15, 20, and 24 above, are based upon the facts stated in the Complaint, and on the nature, circumstances, extent and gravity of the above cited violations in accordance with the Guidelines for the Assessment of Civil Penalties under \$16 of the TSCA; PCB Penalty Policy (45 F.R. 59770), as well as the Respondent's history of prior violations and degree of culpability. The following is a summary of the penalties proposed for the subject violations:

Count 1

15 U.S.C. \$2614(1)

40 C.F.R. \$761.65(c)(1)(iv)

40 C.F.R. \$761.65(c)(7)(ii)

Failure to properly store

\$10,000

Count 2

15 U.S.C. \$2614(1)

40 C.F.R. \$761.40(a)(10)

Failure/to properly mark

\$5,000

"ENFORCEMENT SENSITIVE"

Martha C. Rose Chemicals, Inc. Docket No. VII-84-T-181 Page 5 of 7

. . .

Count 3

15 U.S.C. \$2614(1) 40 C.F.R. \$761.65(a)

Failure to properly store

\$15,000

26' Payment of the total penalty - \$30,000 - may be made by certified or cashier's check payable to the Treasurer, United States of America, and remitted to:

Regional Hearing Clerk United States Environmental Protection Agency Region VII 324 East 11th Street Kansas City, Missouri 64106

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

Section V

Answer and Request for Hearing

- 27. As provided in Section 16(a) of TSCA, you have the right to request a hearing to contest any material fact contained in the Complaint. If you wish to avoid being found in default, you must file a written answer and request for hearing with the Regional Hearing Clerk, United States Environmental Protection Agency, Region VII, 324 East Eleventh Street, Kansas City, Missouri 64106, within twenty (20) days of service of this Complaint and Notice of Opportunity for Hearing. Said answer shall clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint with respect to which Respondent has any knowledge, or shall clearly state that Respondent has no knowledge as to particular factual allegations in the Complaint. The answer shall also state:
 - a. The circumstances or arguments which are alleged to constitute the grounds of defense; and
 - b. The facts which Respondent intends to place at issue.

The denial of any material fact or the raising of any affirmative defense shall be construed as a request for a hearing. Failure to deny any of the factual allegations in the Complaint constitutes an admission of the undenied allegations.

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Martha C. Rose Chemicals, Inc. Docket No. VII-84-T-181 Page 6 of 7

28. Any hearing that you request will be held and conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation or Suspension of Permits" (40 C.F.R. Part 22), a copy of which accompanies this Complaint and Notice of Opportunity for Hearing.

If you fail to file a written answer and request for a hearing within twenty (20) days of service of this Complaint and Notice of Opportunity for Hearing, such failure will constitute a binding admission of all allegations made in the Complaint, and a waiver of your right to a hearing under TSCA. A Default Order may thereafter be issued by the Regional Administrator, and the civil penalties proposed herein shall become due and payable without further proceedings. Such Default Order is not subject to review in any court.

Section VI

Settlement Conference

- 29. Whether or not you request a hearing, an informal conference may be requested in order to discuss the facts of this case and to arrive at settlement. To request a settlement conference, please write to Henry F. Rompage, Attorney, United States Environmental Protection Agency, Region VII, 324 East Eleventh Street, Kansas City, Missouri 64106, or call him at 816/374-2186.
- 30. Please note that a request for an informal settlement conference does not extend the twenty (20) day period during which a written answer and request for a hearing must be submitted. The informal conference procedure may be pursued as an alternative to and simultaneously with the adjudicatory hearing procedure.
- 31. EPA encourages all parties against whom a civil penalty is proposed to pursue the possibilities of settlement as a result of informal conference. However, no penalty reduction will be made simply because such a conference is held. Any settlement which may be reached as a result of such a conference shall be embodied in a written Consent Agreement and Consent Order issued by the Regional Administrator, United States Environmental Protection Agency, Region VII. The issuance of such a Consent Agreement and Consent Order shall constitute a waiver of your right to request a hearing on any matter stipulated to therein.

"ENFORCEMENT SENSITIVE"

Martha C. Rose Chemicals, Inc. Docket No. VII-84-T-181 Page 7 of 7

32. If you have neither effected a settlement by informal conference nor requested a hearing within the 20-day time period allowed by this Notice, the above penalties will be assessed without further proceedings and you will be notified that the penalties have become due and payable.

Date 3-26-84

Morris Kay

Regional Administrator U.S. EPA, Region VII 324 East Eleventh Street Kansas City, Missouri 64106

Henry F. Kompage

Attorney

Office of Regional Counsel

CERTIFICATE OF SERVICE

Donna J. Heavener

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TSCA INSPECTION REPORT

Martha C. Rose Chemicals, Inc. PCB Division 2459 Charlotte Street Kansas City, Missouri 64108 Telephone (816) 471-7227

November 3, 4, 1983 Docket No. VII-84-T-004 Inspection No. 110383216701

Site: 500 McKissock

Holden, Missouri 64046 Telephone (816) 732-4117

Introduction

This firm was targeted for inspection at the request of the Waste Management Branch, Permits Section prior to the issuance of an alternate PCB disposal facility authorization.

Summary of Findings

- 1. Thirteen PCB large, high voltage capacitors stored at the Holden, Missouri facility were not marked M_L as required.
- 2. A storage tank containing 3065 gallons of 92 ppm. PCB oil stored temporarily on the rear loading dock not covered by SPCC plan.
- 3. South storage building not marked $M_{\rm L}$ as required.
- 4. Bulk storage tanks at rear dock, north storage, south warehouse, process room, and main warehouse were not covered by an SPCC plan.

History of Business

The firm was begun as PCB Eleminators in 1981. In January, 1982, the firm with new officers was incorporated in Missouri as Martha C. Rose Chemicals, Inc. PCB Division, aka Rose Chemicals PCB Division. The firm is housed on a 13-acre site with an approximately 120,000 sq. ft. steel building with concrete floors. The firm employs 43 workers drawn from a worker pool under W. C. Carolan, Inc. The sole activity of the firm is PCB disposal. There are no related firms.

Individual Responsibilities and Persons Interviewed

On November 3, 1983, Consumer Safety officer David Ramsey and I presented our credentials and a Notice of Inspection to Walter C. Carolan, President of Martha C. Rose Chemicals, Inc. Present at this meeting were Christopher Gosch, Vice President; Dwight Thomas, Chemist; John Savage, Engineer; and

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PCB INSPECTION
Marcha C. Rose Chemicals, Inc.
Page 2

Pat Parrin, Foreman. Mr. Carolan signed all documents; he further stated that there would be no information considered to be TSCA CBI, with the exception of specific process information regarding the alternate disposal methods.

Inspection

After presentation of credentials and appropriate documents, the inspection began with a tour of the facility. We first inspected the area within the main bulding used as temporary storage. All items in temporary storage were on pallets or in drums. No PCB oil was observed in the temporary storage area. All items were properly marked and dated. All items were identified by a warehouse number and manifest numbers.

We next inspected the storage for disposal area. The area is enclosed within a minimum 6-inch curb with no visible floor drain or expansion joints. Within this area, we observe six bulk storage tanks. Volumes were three 6150-gallon horizontal tanks, one 10,000-gallon horizontal tank, one 6,000-gallon horizontal tank, and one 2,950-gallon vertical tank. These bulk tanks are identified by the firm as being in Storage Area "D" (see photo #1). Dwight Thomas told us that the SPCC plan for all of the bulk storage was being prepared.

Also in this area, we observed a pallet of PCB large, high voltage capacitors (photos 2-7). The capacitors nameplate contained the following information (photo 2).

*** LOW TEMPERAURE ELEMEX ***
7200 Volts 1 ph 60 cy.
50 KVAR ***
LINE MATERIAL INDUSTRIES
MCGRAW-EDISON COMPANY
MILWAUKEE, WIS. - U.S.A.

The name plates on all of the capacitors were identical. These units were marked 4 X 4 $M_{\rm L}$ or $M_{\rm S}$. No 6 X 6 $M_{\rm L}$ marks were observed (photos 3-6). The metal band which bound the capacitors to the pallet was loose so it was possible to view all four sides of each capacitor. The identification Hazardous Waste label showed the generator of the capacitors to be Southeast Maryland Electric Coop, Manifest \$0311. No other violative conditions were noted in this area.

From the main storage area, we went to the PCB disposal area. The area is physically separated from the storage area by curbing and walls. Within this area, the EPA authorized chemical oil disposal system and the pending approval capacitor disposal system are housed. Neither system was in operation at the time of our visit. As these processes are considered TSCA CBI, no description or discussion of the systems will be included herein. Information on the systems wis available to authorized EPA employees through the Regional Document Control Officer.

"ENFORCEMENT SENSITIVE"

PCB INSPECTION
Martha C. Rose Chemicals, Inc.
Page 3

Within the process area is Bulk Storage Area "C." Here there are six bulk tanks; two 500-gallon process tanks (part of the oil disposal system not used for storage); one 10,000-gallon tank; one 4,000-gallon tank; one 16,500-gallon tank, and one 15,860-gallon tank. No SPCC plan was available on these tanks at the time of the inspection. Dwight Thomas said the plan was being prepared. The tanks are in a 10-foot deep concrete walled and floored pit. no floor drains or expansion joints are in the pit.

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We next examined Storage Area "B", the loading dock area. In this location, the firm maintains five 12,000-gllon tanks for the storage of clean processed oil. The tanks did not contain any PCB oil at the time of our visit. The tanks are located behind a 3-foot high earthen berm on three sides, and an 8-foot high concrete wall (loading dock) on the fourth side.

On the loading dock were two approximately 5,000-gallon tanks. One tank was empty, the other contained 3,065 gallons of 92 ppm. PCB oil (photos 8-10). Company officials said the tank was being stored temporarily on the dock until the contents could be transferred to the process area. There was no SPCC plan on the bulk temporary storage. Mr. Thomas said the tank contents would be transferred within two days. The tank was properly marked.

We next went to the south warehouse Storage Area "A." This is a separate building south of the main building. It is a steel building with concrete flooring. no floor drains or expansion joints were observed. A 6-inch continuous concrete curbing extends along the walls of the entire building. Within this area are drums of core material from the capacitor process area and five bulk tanks. They have volumes of two 10,000-gallon, two 15,000-gallon, and one 12,000-gallon. All were marked M_L. No SPCC plan was available at the time of the inspection. Mr. Thomas again said the plan was being prepared. Photographs taken of the interior did not come out. The exterior of the building was not marked M_L at the time of the inspection. The building is secured with lock and key. A 6 X 8" wooden sign which read "Warning: Unauthorized Personnel Keep Out" was afixed to each point of egress to the building, and 6 X 6 M_L marks were afixed immdiately after we pointed out the deficiency to Mr. Thomas (see photo \$\$11\$).

At this point, we requested to see records specific to the disposal facility. Mr. Parrin directed us to an office where the records were maintained. During the inspection of the storage area, we had recorded information from the identification labels of several items. Our purpose was to track these items through the record system.

All incoming items are identified as to what they are (transformer, oil, capacitors, drums, etc.). Drums are identified as to content. All information is entered onto a "Material Log" which shows:

- a) Manifest number
- b) Storage date
- c) Transportor (Generator)

d) shiple?

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PCB INSPECTION
Martha C. Rose Chemicals, Inc.
Page 4

- e) Warehouse number
- f) Weight
- g) Location of storage and identification of contents of drums or pallets
- h) Process date
- i) Date of out shipment (to disposal site other than MCR) and disposal site

In the case of capacitors, the shipment date would be the date core and oil are shipped for incineration.

and the same

Items which are processed at MCR are entered into a "Process Log" which lists:

- a) Manifest number
- b) Warehouse number
- c) Manufacturer
- d) Serial number
- e) KVAR
- f) Kg weight (PCB concentration with regard to oils)
- g) Process date

In the case of capacitors, a "Capacitor Log" sheet is kept which details capacitors processed on a given date. Material generated in the capacitor process are entered onto a "Core Log" which shows where the cores are stored (drum or warehouse number).

Given any information about an item, it was possible to track the material from arrival to final disposition. These records appeared to be adequate.

After examining the log books and tracking approximately 50 separate items through the system, we asked to see records which were required under \$1761.180(b). We were given copies of the 1981 and 1982 annual reports which appeared to satisfy the requirements.

We next visited the laboratory to examine the records required by the alternate disposal permits. The lab personnel maintained GCEC analytical results by batch from both the oil and capacitor processes. The batch number was referenced back to the process log so that each item could be tracked back to the generator. The oil process showed that analysis is performed before and after the process. With capacitors, samples are collected from a batch (pallet load of casings). After treatment if the analysis shows PCBs higher than allowed, the entire batch is processed back through the degreaser.

After examining the lab records, we asked Mr. Carolan if he wanted to continue the inspection after normal working hours or carry over to the next day. Mr. Carolan requested that we return the next day. We left the facility at approximately 4:50 p.m.

We returned the following morning (November 4, 1983). At this time, we went back through the storage areas to take photographs.

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PCB INSPECTION
Martha C. Rose Chemicals, Inc.
Page 5

Discussion with Management

After taking photographs of the facility, we met with Mr. Carolan, Mr. Thomas, an Mr. Parrin to discuss the inspection. Mr. Carolan also questioned us on the pending alternate disposal appliction. We told him that we had no control over the issuance of the approval but would inform the Regional Office of our findings and recommend that the approval be granted.

During this discussion, a Summary of Observations was prepared. We discussed with Mr. Carolan and Mr. Thomas the findings of our inspection with regard to the Summary of Observations. Mr. Thomas indicated the the SPCC plan was being prepared that calculation on containment volumes indicated that more than adequate volume exists. Mr. Thomas said the outside dock tank would be moved immediately. We explained to Mr. Carolan that the inspection report would be assigned to a case review officer who would determine the level of action taken in response to the areas discussed. We told him that there was a potential for monetary fines.

We asked Mr. Carolan and Mr. Thomas about the large quantity of capacitor core material still on site. We were told that Rose Chemical had only recently been able to make agreements for disposal of this material. The firm had approached three incinerator facilities, only one of which had responded positively. Rose Chemicals will be sending the cores to SCA Chemical Services in Illinois. SCA required that the cores be cut and packed in fiber drums. The firm was awaiting delivery of the drums, and an approval from EPA to modify their process to allow for a device to cut the cores.

All of the Rose Chemical officials were courteous and friendly during the

inspection.

Marvin H., Frye

Attached: Notice of Inspection

Cofidentiality Notice Receipt for Samples Summary of Observations

FATES Form

1981 Annual Report 1982 Annual Report Photographs 1-11

SPCC Plan dated November 18

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ENFORCEMENT SENSITIVE"

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101 (913) 236-2853

IN THE MATTER OF

TSCA Docket No. VII-86-T-190

Walter C. Carolan Kansas City, Missouri

SUBPOENA DUCES TECUM

TO: WALTER C. CAROLAN, KANSAS CITY, MISSOURI

YOU ARE HEREBY COMMANDED, pursuant to Title 15, United States Code, Section 2610(c) [Toxic Substances Control Act, Section 11(c)], TO APPEAR IN PERSON at the following place at the following time:

TIME: March 10, 1986 9:00 a.m.

PLACE: U.S. Environmental Protection Agency, Region VII Office of Regional Counsel 726 Minnesota Avenue Kansas City, Kansas

YOU ARE COMMANDED FURTHER TO BRING WITH YOU at the above stated time and place, and then and there produce for inspection and/or copying, those items identified and described on the attached page.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN A COURT ACTION AGAINST YOU.

Issued at Kansas City, Kansas, this Link day of 1986.

> Morris Kay, Regional Administrator U.S. Environmental Protection Agency

Kansas City, Kansas

AFFIDAVIT EXHIBIT NO. 1

EMENT SENSITI

Attachment to Subpoena

For purposes of assisting EPA in determining whether Martha C. Rose Chemicals, Inc., will meet its obligation under the closure plan of October 1, 1985, and under the PCB regulations promulgated pursuant to TSCA, provide the following information and documents, to be brought with you at the time and date required above.

- 1. Names and addresses of all companies owned by you, or in which you have a financial interest, or from which you currently, or since January 1, 1983, have derived direct financial benefit.
- 2. Records reflecting the length of time you have operated or did operate any and all businesses identified in no. 1 above.
- 3. All records involved in, or which reflect transactions by you or any company owned by you or from which you derive direct financial benefit for storage or shipment of oily liquids containing any level of polychlorinated biphenols (PCBs), which occurred at any time after January 1, 1983.
- 4. All records involved in, or which reflect, transactions in which you, or any entity listed in no. 1 above, acquired oil and oily substances (including PCBs) from any generator or transporter after January 1.
- 5. All records reflecting the use, storage and disposal of all transformers as defined in 40 C.F.R. Part 761.3 and all liquid PCBs by you or any of the entities listed in no. I above after January 1, 1983.
- 6. All records which reflect every instance in which you, or any entity listed in no. 1 above, removed or drained any oil from PCB contaminated equipment such as transformers or capacitors after January 1, 1983.
- 7. All records which contain or reflect communications between yourself, or any entity listed in no. 1 above, and any entity from which you obtained transformers or capacitors or other PCB items after January 1, 1983.
- 8. All records reflecting the use, storage, and disposal of any transformer, or transformer components or capacitors or other PCB items such as copper, scrap metal or oil, by you or any of the entities listed in no. 1 one above, after January 1, 1983.
 - Any and all records reflecting the sale of any transformer of transformer components or capacitor or other PCB items

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- 10. Records showing the name and address of each person to whom you, or any of the entities listed in no. 1 above, sold or transferred the items listed in no. 9 above.
- ll. Any and all compliance orders, settlement agreements, consent orders, or other similar agreements between you or any other entity listed in no. I above, and any state, local, or federal agency, with the exception of Environmental Protection Agency, or commission, or similar entity relating to violations of environmental laws or regulations.
- 12. Identify any and all payments of any kind, including rent, by Martha C. Rose Chemicals to any of the entities listed in no. 1 above.
- 13. Provide all financial information, including income tax returns, on all income earned by Martha C. Rose for the fiscal years of 1982, 1983, 1984, and 1985.
- 14. Provide all financial information, including income tax returns, on all income earned by all the entities listed in no. 1 above, for the fiscal years of 1982, 1983, 1984, and 1985.
 - 15. Provide all financial information on the transfer of any funds, in whatever form and by whatever means, to any and all of the entities listed in no. I above.

O.S. Char

TOTOR CEMENT SENSITIVE"

SWORN AND SUBSCRIBED TO before	ore me, the undersigned Notary Public on this	_
day of,	198	
•		
(67.17)	NOTARY PUBLIC in and for the State of	
(SEAL)	NOTARY FUELIC IN and FOR the State of	
	residing at	

DEFINITIONS

- 1. "Records," as used in this subpoena includes, but is not limited to, documents, receipts, purchase orders, bid applications, contracts, invoices, shipping manifests, office memos, transcripts, telephone memos, letters, notes, and/or computerized data. This definition includes any records in your personal possession.
- 2. Any words used in this subpoena that are defined in 40 C.F.R. Section 761.3 shall have the same definition as is provided in that section.

JOHN ASHCROFT Guvernur



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Division of Energy Division of Environmental Quality Division of Geology and Land Survey Division of Management Services Division of Parks and Historic Preservation

FREDERICK A. BRUNNER Director

STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY P.O. Box 176

Jefferson City, MO 65102 314-751-3241

January 31, 1986

Mr. J. Bryan Carolan Rose Chemicals, Inc. PCB Division 500 West McKissock Holden, MO 64040

Dear Mr. Carolan:

RE: Resource Recovery Certification RR-151 Classification - R1

This letter is to inform you that the department has completed the review of your certified resource recovery facility application form. After a review of your application form and the supporting documents the department is pleased to inform you that Rose Chemical Treatment Process (Holden) has been certified for resource recovery contingent upon the following conditions.

- The operator shall comply with 10 CSR 25-9.010 and all plans and processes described in the certified resource recovery application.
- The operator shall not accept any hazardous wastes as defined by 10 CSR 25 that are not listed in the application and in quantities no greater than the amounts specified in the application.
- Any oil that the operator accepts with a PCB level greater than 50 ppm is not regulated by the Waste Management Program. Therefore, this document certifies that Rose Chemicals, Inc. may accept waste oils as defined in 10 CSR 25-11 for reclamation in the existing chemical treatment process located in Holden.

FEB 20 1986

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EMENT SENSITIVE"

Mr. J. Bryan Carolan January 31, 1986 Page 2

If you have any questions regarding compliance with your certification, please contact Ms. Nancy Grice McGowan of my staff.

a Prof. Company and A. Walter and the world of the collection of the contraction of the collection of

Sincerely,

DIVISION OF ENVIRONMENTAL QUALITY

David E. Bedan, Ph.D.

Director

Waste Management Program

DEB: NGM: 1h

Enclosure

cc: Mr. Bob Stewart, EPA Region VII

STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES



CERTIFIED RESOURCE RECOVERY FACILITY

Certification for resource recovery is issued to: ROSE CHEMICALS, INC.

For the facility located: 500 V

500 West McKissock Holden, Missouri

CERTIFICATION NUMBER: RR-151

A copy of this certificate must be available at the facility during operation.

This certification is valid from the date signed for a period of two years, in accordance with the Certified Resource Recovery Facility Application Form approved by the department. Only wastes listed in the approved application are to be processed at this facility.

It is understood that the acceptance and use of this certification subjects the operator of the above named facility to the applicable requirements of the Missouri Hazardous Waste Management Law and the rules thereunder specifically 10 CSR 25-9.010.

This certification applies only to resource recovery facilities certified under Missouri's Hazardous Waste Management Law; it does not apply to other environmentally regulated areas.

TORCEASUR SENSITE

January 31, 1986

Frederick A. Bjølmjer, Ph.D.

Director, Department of Natural Resources

(1,27.2.2)

Director, Waste Management Program

Violative Solid WASTE Not shipped Not shipped DISPOSAL

420 7451 07/25/83 12/17/\$2 903 " 7429 06/01/83 " 488 " .7430 " " 254 " 7431 " " 340 " 7424 " " 230 " 7427 " " 523 406 7361 07/19/83 " 290 " 7363 07/20/83 " 590 " 7364 " " 535 " 7366 07/20/83 " 680 " 7367 07/19/83 " 410 " 7368 " " 290 " 7369 " " 410 " 7370 " " 27≸2 " 7371 " 460 " 7372 07/18/83 " 520 " 7373 07/15/83 " 520 " 7374 07/20/83 " 690 " 7375 " 590 " 7376 " " 590 " 7376 " " 590 " 7377 " 670 " 7378 " 590 " 7379 " 590 " 7370 " " 555 " 7374 07/20/83 " 555 " 7374 07/20/83 " 555 " 7344 07/29/83 " 535			40	Dist	
# 7429 06/01/83 # 254 7430 # 254 7431 # 340 7417 # 340 7424 # 230 7427 # 523 406 7361 07/19/83 12/13/83 605 7363 07/20/83 # 535 7364 # 535 7365 07/19/83 # 410 7366 07/20/83 # 680 7367 07/19/83 # 405 7368 # 290 7368 # 290 7370 # 27€ 7371 # 460 7372 07/18/83 # 635 7373 07/15/83 # 520 7374 07/20/83 # 690 7375 # 7376 # 590 7376 # 7377 # 670 7377 # 670 7373 7374 07/20/83 # 655 7344 07/29/83 # 535	MANIFEST NO.	M-ITEM NO.	GEN. DATE	DATE Received	WEIGHT (#)
	420	7451	07/25/83	12/17/83	903
7431 " 187 7417 " 340 " 7424 " " 230 " 7427 " " 523 406 7361 07/19/83 12/17/83 605 " 7363 07/20/83 " 590 " 7364 " " 535 " 7365 07/19/83 " 410 " 7366 07/20/83 " 680 " 7367 07/19/83 " 405 " 7368 " " 290 " 7369 " " 410 " 7370 " " 27/62 " 7371 " " 460 " 7372 07/18/83 " 635 " 7373 07/15/83 " 690 " 7375 " 590 " 7376 " 670 " 7377 " 670 " 7343 " 555 " 7344 07/29/83 " 535	и	7429	06/01/83	ti	488
7417 " " 340 7424 " " 230 7427 " " 523 406 7361 07/19/83 12/17/83 605 7363 07/20/83 " 590 7364 " " 535 7366 07/19/83 " 410 7366 07/20/83 " 680 7367 07/19/83 " 405 7368 " 290 7369 " 410 7370 " 2785 7371 " 460 7372 07/18/83 " 635 7373 07/15/83 " 690 7375 " 590 7376 " 650 7376 " 650 7377 " 670 7343 " 555 7344 07/29/83 " 535	N	.7430	ti .	u	254
" 7424 " " 523 406 7361 07/19/83 12/13/83 605 " 7363 07/20/83 " 590 " 7364 " " 535 " 7365 07/19/83 " 410 " 7366 07/20/83 " 680 " 7367 07/19/83 " 405 " 7368 " " 290 " 7369 " " 410 " 7370 " " 27#: " 7371 " " 460 " 7372 07/18/83 " 520 " 7373 07/15/83 " 520 " 7374 07/20/83 " 690 " 7376 " " 590 " 7376 " " 670 " 7343 " " 555 " 7344 07/29/83 " 535	14	7431			187
# 7427	u	7417	ıı	u	340
406	u	7424	н	**	230
7363 07/20/83	ii .	7427	ıı	u	523
" 7364 " 535 " 7365 07/19/83 " 410 " 7366 07/20/83 " 680 " 7367 07/19/83 " 405 " 7368 " 290 " 7369 " 410 " 7370 " " 27\$ " 7371 " 460 " 7372 07/18/83 " 520 " 7374 07/20/83 " 690 " 7375 " 590 " 7376 " " 670 " 7343 " 555 " 7344 07/29/83 " 535	4 06	7361	07/19/83	12/13/89	605
7365 07/19/83 " 410 7366 07/20/83 " 680 7367 07/19/83 " 405 7368 " 290 7369 " 410 7370 " 275: 7371 " 460 7372 07/18/83 " 635 7373 07/15/83 " 520 7374 07/20/83 " 690 7376 " 7377 " 670 7377 " 7378 " 650 7377 " 7374 07/29/83 " 555 7344 07/29/83 " 555	H	7363	07/20/83	44	590
7366 07/20/83 " 680 7367 07/19/83 " 405 7368 " 290 7369 " 410 7370 " 27\$ 7371 " 460 7372 07/18/83 " 635 7373 07/15/83 " 520 7374 07/20/83 " 690 7376 " 7376 " 650 7377 " 670 7343 " 555 7344 07/29/83 " 535		7364	ii	u	535
" 7367 07/19/83 " 405 " 7368 " " 290 " 7369 " " 410 " 7370 " " 276 " 7371 " " 460 " 7372 07/18/83 " 635 " 7373 07/15/83 " 520 " 7374 07/20/83 " 690 " 7376 " " 650 " 7343 " 555 " 7344 07/29/83 " 535 " 7345 07/15/83 " 550	H	7365	07/19/83	n	410
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" 7369 " 410 " 7370 " 27% " 7371 " 460 " 7372 07/18/83 " 635 " 7373 07/15/83 " 520 " 7374 07/20/83 " 690 " 7375 " " 650 " 7377 " " 670 " 7343 " 555 " 7344 07/29/83 " 535 " 7345 07/15/83 " 550	11	7367	07/19/83	n	405
7370 " 27# 460 " 7371 " 460 " 7372 07/18/83 " 635 " 7373 07/15/83 " 520 " 7374 07/20/83 " 690 " 7375 " " 590 " 7376 " " 670 " 7343 " " 555 " 7344 07/29/83 " 535	и	7368	н	n	290
" 7371 " " 460 " 7372 07/18/83 " 635 " 7373 07/15/83 " 520 " 7374 07/20/83 " 690 " 7375 " " 590 " 7376 " " 650 " 7377 " " 670 " 7343 " 555 " 7344 07/29/83 " 535 " 7345 07/15/83 " 550	11	7369	åı	u	410
7372 07/18/83 " 635 7373 07/15/83 " 520 7374 07/20/83 " 690 7375 " " 590 7376 " " 650 7377 " " 670 7343 " " 555 7344 07/29/83 " 535	44	7370	n	14	27#:
" 7373 07/15/83 " 520 " 7374 07/20/83 " 690 " 7375 " " 590 " 7376 " " 650 " 7377 " " 670 " 7343 " 555 " 7344 07/29/83 " 535 " 7345 07/15/83 " 550	u	7371	u	u	460
" 7374 07/20/83 " 690 " 7375 " " 590 " 7376 " " 650 " 7377 " " 670 " 7343 " 555 " 7344 07/29/83 " 535 " 7345 07/15/83 " 550	ti .	7372	07/18/83		635
" 7375 " " 590 " 7376 " " 650 " 7377 " " 670 " 7343 " " 555 " 7344 07/29/83 " 535	u	7373	07/15/83		520
" 7375 " " 650 " 7377 " " 670 " 7343 " " 555 " 7344 07/29/83 " 535 " 7345 07/15/83 " 550	u	7374	07/20/83		690
" 7377 " " 670 " 7343 " " 555 " 7344 07/29/83 " 535 " 7345 07/15/83 " 550	u	7375	n	an an	590
7377	.	7376		, ,	650
" 7344 07/29/83 " 535 " 7345 07/15/83 " 550	u	7377	11		670
" 7345 07/15/83 " 550	и	7343			555
	ıı	7344	07/29/83	· ·	535
	u	7345.0	07/15/83	u	550

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i	1		DATE Received	WEIGHT (#)
406	7346	07/19/83	12/13/83	290
ii .	7347	. 07/20/83		6 60
11	7348	07/19/83	u	440
41	7349	07/20/83		745
tı	7350	07/18/83	14	595
11	7351	07/19/83	14	405
41	7352	07/19/83	n	405
14	7353	07/18/83	44	625
11	7354	07/19/83		365
. 10	7355	07/18/83	u	270
11	7356	07/19/83	12/13/83	495
	7357	07/19/83		705
u	7358	07/18/83		565
88	7359	07/19/83		640
11	7326	07/19/83	u ·	395
41	7327	07/19/83		610
11	7328	07/19/83	•	620
44	7329	07/19/83	11	380
u	7330	07/19/83		680
u	7331	07/19/83	u	4 70
11	7332	07/19/83	u	235
16	7333	07/19/83	11	510
ıı .	7334	07/19/83 ⁻		395
11	7335	07/15/83	n e	610
40	7336	07/20/83	ti .	640
40	7337	07/20/83		305

"ENFORCEMENTIVE"

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MANIFEST NO.	M-ITEM NO.	GEN. DATE	DATE Received	WEIGHT (#)
406	7338	05/15/83	12/13/83	660
	7339	05/18/83	14	67 0
	7340	07/20/83	и	710
u	7341	07/19/83	14	270
u	7342	07/19/83	19	445
	i	i I		

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MANIFEST NO.	M-ITEM NO.	GEN. DATE	DATE RECEIVED	WEIGHT (#)
488	8179	07/11/83	02/27/84	237
	8182	и	u	206
16	8185	**	н	237
11	8186	åt	u	· 178
н	8192	u	14	315
10	8194	18		170
11	8197	07/15/83	10	400
11	8205	07/11/83	18	237
454	7825	04/13/83	01/13/84	359
ii ,	. 7828	#	и	81
u	7832	di .	41	363
	7833	61	и	215
11	7835	10	N	40
478	8033	07/24/83	02/17/84	186
	1			

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MANIFEST NO.	M-ITEM NO.	GEN. DATE	DATE Received	WEIGHT (#)
405	7230	07/09/83	12/10/83	. 495
. "	7231	ıı .	14	535
H	7232	07/27/83	14	545
a l	7233	07/29/83	10	435
18	7234	l n	rt .	515
n	7235	07/19/83	10	465
ii	7236	u	18	402
н	7237	07/29/83	- 88	485
u	7239	07/30/83	tā .	165
	7240	07/29/83	16	465
H	7241		u	410
n	7242	08/28/83	u	423
H	7243	08/05/83	u	435
	7244	12/10/81	н .	535
	i .	l	i	l

C-8 Page one

MANIFEST NU.	M-ITEM NO.	GEN. DATE	DATE RECIEVED	WEIGHT (#)
405	7280	05/21/81	12/10/83	375
11 -	7281	n .	14	550
	7278	09/29/81	14	345
n	7277	08/05/83	fi •	392
n	7276	46	£s .	540
н	7275		60	535
H	7274			520
H	7273	н	u	525
11	7272	·	41	390
44	7271	07/29/83	44	490
II	7270	11	41	505
и	7279	08/28/81	4	370
11	7263	07/29/83	41	490
H	7264	и	ta .	515
н	7265	08/05/83	41	300
	 7266	07/29/83	u	535
41	7267	ц	át:	550
ii .	7268	11	•	515
15	7269	H	N N	650
84	7246	08/05/83	u	455
и	7247	, n	16	420
ti	7248	07/22/83	14	565
11	7249	07/14/83	и	605
н	7250	07/22/83	16	555
	COSTIL	1		

C-8 Page two

MANIFEST NO.	M-ITEM NO.	GEN. DATE	DATE RECIGUED	WEIGHT (#)
405	7251	08/05/83	12/10/83	425
н	7252	N	n	445
11	7253	н	11	270
n	7254	07/27/83	11	520
41	7255	07/20/83	16	645
10	7256	08/05/83	16	360
44	7257	07/29/83	16	450
B	7258	u .	u	510
11	7259	11	16	535
II	7260	06/05/83	16	390
11	7261	07/29/83	16	525
16	7262		u	510
			1	

LIST OF ITEMS REQUESTED TO BE LOCATED

Manifest No.	Item No.	Located
0449	0-7797	
0449	M-7798	
0488	M-8170 ·	
V488	M-8179	
0489	M-8175	
U488	C-8213	
U486	0-8127	
0640	C-10,094	Yes
0641	M-10,096	Yes
. 0641	M-10,098	Yes .
0643	T-10,100	
0644	M-10,084	Yes
0644	C-10,090	
0644	C-10,089	
0644	M-10,080	Yes
0645	C-10,072	
0648	T-10,160	
0696	C-10,906	Yes
0480	C-809U	
0480	M-8018	
U473	M-8015	
U479	T-8049	
U479	0-8053 - see log	

	Manifest No.	Item No.	Located
	MCR	M-7989	Yes
	U467	T-7913	Yes
	0467	0-7915	
	0467	M-7917	
	0458	T-7879	Yes
	0458	0-7882	
	U458	M-7883	
	0453	C-7721	
,	0448	C-7721	
	MCR	M-7714	•
	0443	T-7644	Yes
	043(2)?	T-7683	Yes
	U427	T-7716	
	0449	T-7787	
	0505	0-8406	
	0502	T-8256	
	0500	M-8262	
	0499	M-8263	
	U497	C-8277	
	0496	0-8385	
	U 4 96	M-8388	
	0496	C-8392	
	0495	T-8378	

Manifest No.	Item No.	Located	
0538	C-8580	Yes	
0531	T-8559		
0531	T-8553		
0530	C-8584	Yes	
0530	C-8586		
0529	C-8582	Yes	
0527	0-8563		
U527	T-8569		
0525	0-8576		
0525	T-8578		
U523	C-8574	•	
U522	0-8560		
0538	C-9204		
0585	C-9211		
U586	C-9212	•	•
0588	C-9218	Yes	
0588	M-9219		
U589	C-9229		
0596	0-9277		
U596	M-9278		
U600	0-9394		
0600	T-9403		
U6U0	M-9384		
0600	U-9365		

Manifest No.	Item No.	Located	
		·	
0601	0-9461		
0601	0-9506		
0604	0-9425	•	
0604	0-9426		
U6U7	C-9580		
0607	M-9576		
0607	0-9532		
0607	M-9516		
0609	C-9636		
0610	T-9661		
0610	T-9663		
0610	T-9679		
U614A	T-9635		
0614	0-9599		
0614	M-9604		
0614	T-9606		
0612	C-9638		
0611	C-9643	Yes	
0611	C-9642		
MCR	M-9711		
0618	C-9713		
U62U	C-9779		
U621	C-9821		
U621	M-9805	Yes	
0626	T-9909	Yes	

TOP CHARACTER EXICT TVE

	•		
	Manifest No.	Item No.	Located
	0539	C-8660	
	0538	C-8656	
	0538	C-8657	
	0534	C-9638	
	0534	C-8639	
	0533	M-8618	
	0533	C-8620	Yes
	0533	C-8627	
	0533	T-8597	
	0550	M-8708	
·	0550	C-8713	
	0551	C-8732	
	0551	M-8736	
	0551	M-8741	
	0555	0-8843	Yes
	0554	M-8826	
	0554	0-8839	Yes
	0557	C-8855	
	0557	C-8860	
	0557	C-8867	Yes
	0545	T-8675	
	0545	T-8692	
	0548	0-8697	
	0564	C-8894	

ENFORCEMENT SERVITVE"

 Manifest No.	Item No.	Located	
U563	C-8888		
0562	C-8884		
0562	C-8887		
U566	C-8949		
0566	C-8951		
0571	C-8999		
0571	T-9000		
0573	C-8990		
0577	T-9048		
0577	T-9050		
MCR	0-9052		
MCR	0-9062		
MCR	0-9071		
MCR	0-9078		•
MCR	0-9088		
MCR	0-9096		
MCR	M-9110		
MCR	0-9105		
0651	M-10,210	Yes	
0653	M-10,287		
0653	C-10,294		
0655	LC-10,263		
MCR	M-10,259		
0658	C-10,348	Yes	
0658	0-10,353		
, a.			

TICELASSIFIE"

		•	
	Manifest No.	Item No.	Located
	0659	C-10,463	Yes
	0662	C-10,530	Yes
	0663	T-10,573	Yes .
	0664	M-10,576	
	0666	T-10,693	Yes
	MCR	M-10,470	
	0665	0-10,620	
	0665	M-10,618	
	0668	T-10,739	Yes
	MCR	M-10,518	
	0676	T-10,734	Yes
•	0675	0-10,704	
	0672	T-10,715	
	0671	T-10,710	Yes
	06/0	0-10,747	Yes
	0678	T-10,716	Yes
	U686	T-10,819	Yes
·	0693	C-10,887	Yes
	0693	C-10,883	Yes
	0625	T-9899	
	0625	T-9900	
	MCR	0-9893	
	U62 4	T-9833	
	0623	0-9890	

Manifest No.	Item No.	Located	
0623	0-9886		
0623	M-9865		
U623	C-9837		
0628	T-9925		
U627	T-9929	•	
MCR	M-9964		
0632	C-9998		
0632	C-10,002		
MCR	0-9988		
MCR	M-10,020		
0637	LC-10,035A		•
U637	LC-10,0358	Yes	
MCR	0-10,863	Yes	
MCR	10,854		
0638	C-10,057		
0639	T-10,095		

TENTEOR CENTERAL CENTERTY TO"

Attachment No. 46

OIL NOT PROCESSED '81 and '82

MANIFEST	ID				
NUMBER	NUMBER	KG	PPM	STORED	DISPOSED
15	0-1032	243	5410		
PPM-0010	0-2896	-	44		
PPM-0010	0-2901	-	-		
PPM-0010	0-2902	-	-		
PPM-0010	0-2903	-	-		
PPM-0010	0-2905	-	-		
PPM-0010	0-2911	-	-		
PPM-0010	0-2912	-	-		
PPM-0010	0-2913	-	-		
PPM-0010	0-2914	-	-		
PPM-0010	0-2916	-	_		
PPM-0010	0-2917	-	-		
PPM-0010	0-2921	-	-		
PPM-0010	0-2923	-	-		
PPM-0010	0-2926	-	-		
PPM-0010	0-2928	_	-		
055	L-1940	488	>	SBST3	
055	L-1941	445	?	SBST3	
055	L-1942	435	?	PST 1	
055	L-1943	416	?	PST 1	
055	L-1944	419	?	PST 1	
055	L-1945	440	?	PST 1	
055 ·	L-1946	360	2991	PST 1	
055	L-1948	429	>	PST 1	
			-	_	
	MCR GENER	ATED OIL NOT	PROCESSED	'81 and '8	32
Manifest	ID		-		
				_	

Manifest Number		ID Number	KG	PPM	Date	Stored
Oil from)-	0-1086	206	?	3/2/82	Pit 1
line)-	0-1595	226	?	3/2/82	Pit 1
Oil from)-	0-1598	192	?	3/2/82	Pit 1
big tank)-	0-1599	212	?	3/2/82	Pit 1
		0-1105	176	>500,000	3/2/82	Pit 1
		0-1831	?	>	11/3/82	PST 1
		0-2049	151	>	11/3/82	PST 1
		0-2050	141	>	11/3/82	
		0-2051	145	>	11/3/82	PST 1
		0-2052	138	>	11/3/82	PST 1
		OIL FROM	TRANSFORMERS	NOT PROCESSED	'81 and	*82
		0-1909	173	>	PST 1	10/22/82
		0-2048	146	>	PST 1	11/3/82

TRANSFORMER RECORDS

Manifest #	# ID#	LB/Kg	P PM	Processed	Disposed	St. Date
0577	T-9048	1250	>	no info		
096A	T-2512	249	1087			01/08/83
none	T-2521A	1780	897	•		01/18/83
105	T-2522	744	694			01/20/83
105	T-2523	1076	1026			01/20/83
0109	T-2665	443	>500,000			01/22/83
0110	T-2694	907	>500,000	05/17/84	i :	01/24/83
U110	T-2695	1100	174,813	04/16/84		01/24/83
0110	T-2696	312	>700,000	04/16/84		01/24/83
0112	T-2756	610	>500,000	05/31/83		01/26/83
0112	T-2757	640	>500,000	05/31/83		01/26/83
0112	T-2739	615	>500,000	05/31/83		01/26/83
0112	T-2740	685	>500,000	02/04/83		01/26/83
0112	T-2741	440	>500,000	02/04/83		01/26/83
0112	T-2742	390	>500,000	02/03/83		01/26/83
0112	T-2743	610	>500,000	05/31/83		01/26/83
U112	T-2744	1020	>500,000	05/31/83		01/26/83
0112	T-2745	1085	>500,000	05/31/83		01/26/83
0112	T-2746	885	>500,000	05/31/83		01/26/83
0112	T-2747	940	>500,000	05/31/83	*	01/26/83
0112	T-2748	1030	>500,000	05/31/83		01/26/83
0112	T-2749	960	. >500,000	05/31/83		01/26/83
0112	T-2750	590	>500	05/31/83		01/26/83

0112 shows transformers being processed a year before they were taken to the TPA.

Manifest	# ID#	LB/Kg	P PM	Processed	Disposed	St. Date
					•	
0112	T-2751	590	>500	05/31/83		01/26/83
0112	T-2752	630	>500	05/31/83		01/26/83
0112	T-2753	405	>500,000	02/03/83		01/26/83
0112	T-2754	445	>500,000	02/03/83		01/26/83
0112	T-2755	400	>500,000	02/03/83		01/26/83
0112	T-2737	650	>500,000	05/31/83		01/26/83
0112	T-2738	635	>500,000	05/31/83		01/26/83
0118	T-2845	13230	. 508	10/09/83		02/21/83
012UA	T-2994	227	>500,000	<u>.</u>		02/24/83
U120A	T- 2995	230	>500,000	,	•	02/24/83
0120A	T-2996	219	>500,000			U2/24/83
0120B	T-2998	4100	>700,000			02/24/83
0120B	T-2999	4100	>700,000			02/24/83
012 0 B	T-3000	4100	>700,000	,		02/24/83
08851-6	T-3086	59kg	539	05/31/83		03/07/83
08851-6	T-3087	54k g	534	05/31/83	1	03/07/83
0126	T-3200	400	6966			03/14/83
0126	T-3204	261	3646			03/14/83
0126	T-3206	261	1275			03/14/83
0127	T-3229	1590		11/07/83		U3/15/83
0127	T-3232	2750	1001	·		03/15/83
0127	T-3233	5500	>500,000			03/15/83

Manifest i	# ID#	LB/E	P PM	Processed	Disposed	St. Date
0128	· T-3237	467	877			03/21/83
0128	T-3238	3660	1097			03/21/83
0128	T-3239	3660	1095			03/21/83
0-8851-8	T-3297	115	>500			03/25/83
0137	T-3378	2435	571			03/29/83
U14 8	T-3461	365	>500,000			04/11/83
M-4-1-83	T-3488	1250	1343			04/13/83
M-4-1-83	T-3489	1250	1385			04/13/83
M-4-1-83	T-3490	1250	1497			04/13/83
M-4-2-83	T-3484	1250	>700,000		·	04/13/83
M-4-2-83	T-3486	1250	>700,000	-		04/13/83
1072	T-2437	1725	>500,000	08/02/84		12/28/82
1072	T-2438	1725	>500,000	08/02/84		12/28/82
1072	T-2439	1725	>500,०००	08/02/84	:	12/28/82
15	T-1066	8600kg	>500	0 / /02/83		12/15/81
0159	T-3625	122.47kg		r 		04/27/83
0214	T-5027	13700	>700,000			07/08/83
0219	T-5136	169	950			. 07/21/83
15	T-1097	7000	>500	08/01/84		12/15/81
16	T-1079	6600kg	>500	04/08/83		12/15/81
17	T-1052	5250kg	>10,000	U7/23/84		01/06/82
17	T-1053	5250kg	>10,000	07/23/84		01/06/82
17	T-1054	5250kg	>10,000	07/23/84		01/06/82
1		1			1	

Manifest	# ID#	LB/KG	PPM	Processed	Disposed	St. Date
		1				
090	T-2444	11,400	>500,000	08/03/84		12/31/82
090	T-2445	6900	>500,000	08/03/84		12/31/82
090	T-2446	200	76,389	08/03/84		12/31/82
090	T-2447	200	34,722	08/03/84		12/31/82
090	T-2448	700	>63,889	. 08/03/84		12/31/82
092	T-2476	270		08/03/84		12/31/82
092	T-2477	2700	>500,000	08/03/84		12/31/82
092	T-2478	718	>800,000	08/03/84		12/31/82
093	T-2479	665	2190	08/01/84		12/31/82
093	T-2480	355	603	08/01/84		12/31/82
093	T-2481	355	614	08/01/84		12/31/82
υ93	T-2483	400	2466	07/28/84		12/31/82
093	T-2484	355	638	07/28/84		12/31/82
093	T-2487	865	870	07/28/84		12/31/82
093	T-2497	391	5169	07/30/84		12/31/82
093	T-2500	189	14,286	08/01/84		12/31/82
093	T-2501	189	17,669	08/01/84		12/31/82
093	T-2504	355	693	05/08/84		12/31/82
1095	T-2263	1493	>50,000	08/05/84		12/10/82
03 0	T-1545	174kg	>10,000	U5/22/84		07/30/82
030	T-1546	173kg	>10,000	07/26/84		07/30/82
030	T-1547	229kg	>10,000	08/01/84		07/30/82
030	T-1548	228kg	>10,000	08/01/84		07/30/82
030	T-1549	244kg	>10,000	07/23/84		07/30/82
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Manifest	# ID#	LB/kg	PPM	Processed	Disposed	St. Date
031	T-1501	130 مح	>10,000	07/21/84		07/30/82
031	T-1502	138kg	>10,000	08/01/84		07/30/82
031	T-1503	338kg	>10,000	07/26/84		07/30/82
031	T-1504	406kg	>10,000	07/26/84		07/30/82
031	T-1505	137kg	>10,000	07/23/84		07/30/82
031	T-1506	161kg	>10,000	07/26/84		07/30/82
031	T-1507	228kg	>10,000	08/01/84		07/30/82
033	T-1573	756kg	>10,000	08/01/84		08/06/82
054	T-1924	1396	1371	07/26/84		10/27/82
054	T-1927	1320	1223	07/26/84		10/27/82
U54	T-1928	1320	2934	07/26/84		10/27/82
054	T-1929	1320	1803	07/26/84		10/27/82
056	T-1957	397kg	1541	07/23/84		10/27/82
057	T-2029	1305	3114	07/23/84		11/02/82
057	T-2030	1305	3152	07/23/84		11/02/82
057	T-2031	1305	3634	07/23/84		11/02/82
U57	T-2032	1305	2794	07/23/84		11/02/82
061	T-1968	915kg	>10,000	07/24/84		10/28/82
061	T-1970	975kg	>10,000	07/24/84		10/28/82
061	T-1972	975kg	>10,000	07/24/84		10/28/82
068	T-2077	1350	800,000	07/31/84		11/08/82
075	T-2232	848kg	602	07/30/84		11/24/82
U75	T-2233	138kg	>500,000	07/30/84		11/24/82
				1		

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		WASHINGTO			Form Approved OMB No. 2070-0007
		TOXIC SUBSTANC			Approval expires 8-31-85
		NOTICE OF	NSPECTION 3. FIRM NAME		
DATE 0807	INVESTIGATION IDENTIFICATION INSPECTOR NO. DAILY SE		Martha C	Rose IN	(
4. INSPECT	OB ADDRESS A KICK ON VIII		5. FIRM ADDRESS		
72	4 E Tlast		500 M	1 c Kissock	<
	KC-MOLYUL		Hold	PM MO. G	,404 B
		REASON FO	R INSPECTION		
•	Under the authority of Section 1	1 of the Toxic Substanc	es Control Act :		
	For the purpose of inspecting (in ment, facility, or other premises essed or stored, or held before or facilities) and any conveyance be with their distribution in commercequirements of the Act applicabe conveyance have been complied to	in which chemical substantion after their distribution ing used to transport charce (including records, file to the chemical substantial)	ances or mixtures or arti in commerce (including emical substances, mixto iles, papers, processes, co	cles containing same records, files, papers, ures, or articles contai ontrols, and facilities)	are manufactured, proc- processes, controls, and ining same in connection bearing on whether the
	In addition, this inspection exten	ds to (Check appropriat	e blocks):		
	A. Financial data		☐ D. Personnel data		
	, B. Sales data		E. Research data		
	C. Pricing data				
	The nature and extent of inspect ASB Records INVOLVING PO E. Bate on 1	B disposal	actors con ¢	disposal fo	3 .
E	ORCEMENT SENS	TTIVE"			·
NAME	Lan BM Call	en	PECIPIENT SIGNATURE	Cerns	

Pulson B. McCollers

TITLE

C S. D

DATE SIGNED

TITLE

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PU.S. OCCUMENT PRINTING OFFICE: 1983-661-893

INSPECTION FILE

SEPA

JS ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approval expires 8-31-85

TSCA INSPECTION CONFIDENTIALITY NOTICE

1. INVESTIGATION IDENTIFICATION			2. FIRM NAME		
DATE	INSPECTOR NO.	DAILY SEQ. NO.	Martha C. Rosa Irc.		
08-07-84 2850 0/ 3. INSPECTOR NAME		0/	4. FIRM ADDRESS		
	B Mc Ciller	<u> </u>			
5. INSPECTOR ADDRESS 324 E. 1/4 51.			Holder, MO 64040		
			6. CHIEF EXECUTIVE OFFICER NAME		
Kansas Cty, MC 6405-6		6	Walter Carolan		
			7. TITLE PIES, And		

TO ASSERT A CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during inspection of the facility above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make Inspection data available in response to FOIA requests unless the Administrator of the Agency determines that the data contain information entitled to confidential treatment or may be withheld from release under other exceptions of FOIA.

Any or all the information collected by EPA during the inspection may be claimed confidential if it relates to trade secrets or commercial or financial matters that you consider to be confidential business information. If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of confidential business information. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information you have claimed as confidential business information.

A confidential business information (CBI) claim may be asserted at any time. You may assert a CBI claim prior to, during, or after the information is collected. The declaration form was developed by the Agency to assist you in asserting e CBI claim. If it is more convenient for you to assert a CBI claim on your own stationery or by marking the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this form. The inspector will be glad to answer any questions you may have regarding the Agency's CBI procedures.

While you may claim any collected information or sample as confidential business information, such claims are unlikely to be upheld if they are challenged unless the information meets the following criteria:

 Your company has taken measures to protect the confidentiality of the information, and it intends to continue to take such measures.

- The information is not, and has not been, reasonably obtainable
 without your company's consent by other persons (other than
 governmental bodies) by use of legitimate means (other than
 discovery based on showing of special need in a judicial or
 quasi-judicial proceeding).
- 3. The information is not publicly available elsewhere.
- Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is confidential business information.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your firm within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive confidential treatment.

The statement from the Chief Executive Officer should be addressed to:

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this Notice. Claims may be made any time after the inspection, but inspection data will not be entered into the special security system for TSCA confidential business information until an official confidentiality claim is made. The data will be handled under the agency's routine security system unless and until a claim is made.

to take such measures.		made,
TO BE COMPLETED BY FACILITY OF		If there is no one on the premises of the facility who is authorized to make business confidentiality claims for the firm, a copy of this Notice and other inspection materials will be sent to the contract of executive officer. If there is another company official who should also receive this information, please designate below.
SIGNATURE X		NAME .
MALTER A	ROLAN	TITLE
PRESIDENT	B/7/87	SIT THE RE
EPA Form 7740-4 (12-82) "Fハブドハア (アスルデハブ	CENICITINE"	

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TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approval expires 8-31-85

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TOXIC SUBSTANCES CONTROL ACT

	RI	ECEIPT FOR SAMPLE	ES AND DOCUMENTS	
	NVESTIGATION IDENTI		2. FIRM NAME	
DATE	INSPECTOR NO.	DAILY SEQ. NO.	Martha C. Rose Cl	remical Inc.
08-07-89	2850 -	0/	4. FIRM ADDRESS	
324 E 11th	5∤.		500 Mekissock	
Kansas cit	1, MO 64051		1/11	
	7		Holden, MO G	70 Y O
			<u> </u>	
•		cal substances and/or mixt e Toxic Substances Contro	tures described below were collect of Act.	ed in connection with the
	RECEIPT OF THE DO	CUMENT(S) AND/OR SAM	PLE(S) DESCRIBED IS HEREBY AC	(NOWLEDGED:
NO.			DESCRIPTION .	
01	1983 ANNU	al Report		,
O		5427 (SUTTON)	1-10-84	
•		•	_	MATERIAL LUS INEO
	, ,	430 (WP&L)	1-6-8,	1 Milianto
	11 11 01	432 (TX, Ela. Go	p) 1-6-84 (8273)	Log.
	1 11 61	122 lu. V. + 1).	p) 1-6-84 (p2 93)) 1-4-84	
)	122 (MANINER ON) /	
	1 1 C4	-31 (Whatton E1	. C) 1-6-89	Į
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	I, mc	R, (1-9-84)	- W/131 G	
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	Process	- Live 11 - 13	-84 (192)(242	
	Cap. 116 03	A A1163 11 S	Ecolusy (3pajon)	
	WWW LOSS IN	0, 049) V.S.	17-847 (300,00)	\
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		0479 /2-1	7 vu)	
	1	0479 (2-17	/ - 8 J	
	10 11	MCR (2-	.14-84)	
	11 "	1167 (2-6	·8 -84)	1
	i	645% [1-	20-84)	
	14 "	0453 (-1	0+54)	/
	C 19	0449 C1-	14-84) 18-84) 20-84) 11-84) (2 pega	
OPTIONAL:	1 11			
CPIIONAL:			•	
DUPLICATE OR SP	LIT SAMPLES: REQUES	TED AND PROVIDED	NOT REQUESTED	
INSPECTOR SIGNATU	IRE O C)	RECIPIENT SIGNATURS	
(V. Co.)	13 1)	81.0 -		
NAME	US VIY CACE		NAME	
	,		11/1	
Riben B 1	1s Cullers		LAROLAN	
TITLE		DATE SIGNED	TITLE	DATE SIGNED
C50		08-07-84	- OVERTED.	8/7/20
	12)	201	TON WENTER	
	*ENFORCE	MENT SANDO	TVE" "'81"	
			3 4 75 of 5 of 5	

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TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approval expires 8-31-88

	RECEIPT FOR SAMPLE	S AND DOCUMENTS	
1. IN	VESTIGATION IDENTIFICATION	2. FIRM NAME	
DATE DSO 784 3. INSPECTOR ADDRES	INSPECTOR NO. DAILY SED. NO.	MArtha C. Rose	
S. INSPECTOR ADDRES	isson VII	500 W. Mc Kisscek	
324C	illth st	Holden, Mo, 64042	
	nui 64106	1101000,770	
,,,			··········
	and samples of chemical substances and/or mixt and enforcement of the Toxic Substances Contro		ection with the
	RECEIPT OF THE DOCUMENT(S) AND/OR SAMI		ED:
NO.	CO Pach Fra	to Rosa Motor Al	Log "
02	62 Page 170m	the Rose "Material	<i>-9</i>
•	82 8) 12 70 5 (100)	,	
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			•
			•
OPTIONAL:			
	IT SAMPLES: REQUESTED AND PROVIDED	NOT REQUESTED	
INSPECTOR SIGNATUL	RE	RECIPIENT SIGNATURE	-
NAME		NAME 1 1	
Kuben	B. McCullers	Nunte Ent	1
	DIPLIMITE SIGNED	R.Z.	DATE SIGNED
EPA Form 7740-1 (12.8)	10/8/84	LOCIFIED V	8-8-87

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US ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved
OMB No. 2070-0007
Approval expires 8-31-85

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MEL	R R	ECEIPT FOR SAMPL	ES AND DOCUMENTS				
1.10	VESTIGATION IDENTI	FICATION	2. FIRM NAME				
DATE	INSPECTOR NO.	DAILY SEQ. NO.	Martha C. Ros-				
CSO784	2850	0	14 FIRM ADDRESS				
EPA Re	510- VII		500 Me Kissock				
	11th st	•	1/ / / / / / / / / / / / / / / / / / /				
	•		Holden, MO 64040				
K.C. h	10,64104) 					
		cal substances and/or mi ne Toxic Substances Cont	xtures described below were collected in connection with the rol Act.				
	RECEIPT OF THE DE	DCUMENT(S) AND/OR SAI	MPLE(S) DESCRIBED IS HEREBY ACKNOWLEDGED:				
NO.			DESCRIPTION				
03	192 pag	es from th	e Rose "Material Log" for				
	WARE HOU	984 DERATION	LOG- Brooklyn Union GAS-3/15/84				
	Rose Ches	nieals Inter-	Office Memorandum dated				
	08-08	Ā					
				•			
OPTIONAL:	<u> </u>						
DUPLICATE OR SP	LIT SAMPLES: REQUE	STED AND PROVIDED	/ NOT REQUESTED □				
INSPECTOR SIGNATU	IRE		RECIPIENT SIGNATURE,				
Orlan	BMcCM	Ver	batriet E. Gerico				
Rule	a B. Mc	Cullers	PATRICK E PERRIN	/			
(<u>ر</u>	DATE SIGNED	O DATE SIGNED				

EPA Form 7740-1 (12-82) "ENFORCEMENT SENTIFIC" SINGE

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S ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

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Form Approved

SELP/	~~~	TOXIC	SUBSTANCI	ES CONTROL ACT		Approval expires 8-31-85
V/LI		RECEIPT FOR	SAMPL	ES AND DOCUM	IENTS	
	VESTIGATION I	ENTIFICATION		2. FIRM NAME		
DATE 30 784	28 JU	. 101	0.	Martha	C. Rose	
3. INSPECTOR ADDRESS EPA 3246	Resion	V 1 5 1		500 B	MO 6.404	oc K
324 E	. 11 62 .			Holden	mo 6.404	0
KC.	no 6410	26				
		chemical substances of the Toxic Substa			w were collected in conn	ection with the
	RECEIPT OF T	HE DOCUMENT(S) A	ID/OR SAM	PLE(S) DESCRIBED	S HEREBY ACKNOWLED	BED:
NO.		····		DESCRIPTION		
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OPTIONAL:						
		EQUESTED AND PRO	VIDED,	NOT REQUESTED		
INSPECTOR SIGNATUR	RE			RECIPIENT SIGNA	TURE	. ()
NAME	1 -	C 11	 	NAME ()	<i>i</i> , <i>\</i>	1
Kulos A	15 /12	Culler		<i> </i>	1. Col	$V \sim$

EPA Form 7740-1 (12-82)

US ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

Form Approved

	Δ	TOXIC SUBSTANCE	ES CONTROL ACT	Approval expires 8-31-85		
	RECEIPT	FOR SAMPLE	ES AND DOCUMENTS			
	IVESTIGATION IDENTIFICATIO		2. FIRM NAME			
	2850 0	SEQ. NO.	Martha C. Rose 1	NG.		
EPA	Rogion VII		500 W Mc Kissoch			
3296	Il la co		Holdon, Mo.			
)C C-1	10 64/06		6404	ð		
	and samples of chemical substand enforcement of the Toxic		tures described below were collected in conne of Act.	ection with the		
	RECEIPT OF THE DOCUMEN	T(S) AND/OR SAM	PLE(S) DESCRIBED IS HEREBY ACKNOWLEDG	ED:		
NO.			DESCRIPTION			
.05	112 pages 9	the 1	98/8 1982 "MATGE	TAL LOG"		
	81 pages os	tle 19	83 " MATERIAL LOG			
·	Photosraphs t	taken o	7 8/9/84 \$ 8/10/84	of PC13		
	items & storage area.					
	Cortificate of Processing for Federal-Mugul Corp					
	1 & Materia	10 \ (170 2) 1	manifort # 0249 page			
	7 U.S. Ecolosy Manifest Lor Solid waste.					
			in from Rollins	,		
•	1 Page of Tran	former Con	version duted 5/23/84			
	2 pagr 9 D1	5 MANTLE	= INFO. 7/24/84 > 7/20 FOR SINGERIAL 0427	-/24 a 7/17-18/		
	1 Maribet - S	Sutton &	Engineering 0427			
OPTIONAL:	<u> </u>		•			
DUPLICATE OR SP	LIT SAMPLES: REQUESTED AN	D PROVIDED	NOT REQUESTED			
INSPECTOR SIGNATU	8/h. Cylles		PATRICK E PE	Min_		
Rules	B McCulling	SIANE N	Catrick E. Cerri	»>		
··· ·	JUNIES		[1 1 1 6 E	DATE SIGNED		

EPA Form 7740-1 (12-82)

8/10/84

US ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20450

TOXIC SUBSTANCES CONTROL ACT

Form Approved
OMB No. 2070-0007
Approval expires 8-31-85

YEF	RE	CEIPT FOR SAMPL	ES AND DOCUMENTS	
1. IN	VESTIGATION IDENTIF		2. FIRM NAME	
08-07-84	INSPECTOR NO.	DAILY SEQ. NO.	Martha C. Rose	•
3. INSPECTOR ADDRE	SS		4. FIRM ADDRESS	
324	E. 11th St	•	500 Mekissock	,
Kanse	es City N	10 64106	Holden, Mo	
			1 10000	04040
	·			
	•	cal substances and/or mix e Toxic Substances Contr	tures described below were collected in ol Act.	connection with the
	RECEIPT OF THE DO	CUMENT(S) AND/OR SAM	PLE(S) DESCRIBED IS HEREBY ACKNOW	LEDGED:
NO			DESCRIPTION	
06	Capacitor	processing lo	95 dated 8-4-84	· 4-5-84,
	8-3-84,	and anot	hor on 8-4-84	
	Photograp	hs		
			It ling Records (3)	
:			inal Rosuls (3)	
	145.3350101	DATA T	0000	
	- 11.18	- 1616 A T-	RANSFORMER Sheets	pm 1- 1788
	,	-101-74 /	2300	
	12-3-82	-5014 Rope	ortil constance	tol
07	Swab signal	e from dags	eased Capacitin me	
08	K 11	'H 'Y	[ζ /(NO. 997
09	11 10	11	ic 4	969
· ()	n K	a u	F n 1	N U, 965 OR 969?
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li				
OPTIONAL:				
DUPLICATE OR SPL	IT SAMPLES: REQUES	TED AND PROVIDED	NOT REQUESTED	
INSPECTOR SIGNATUR	RE ON C		RECIPIENT SIGNATURE	
Mula 13	McCall	erc	PATILK E	PERRIN
Kulen 63	McCal	lin	Batich & l	Perry
		8-13-84	TITLE / Carporil	DATE SIGNED
<u> </u>		10-17-01	Ulants Star.	18/13/89

EPA Form 7740-1 (12-82) "ENFORCEMENT SENSITIVE

US ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

Form Approved

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₩ FP	Δ	TOXIC SUBSTANCE		OMB No. 2070-0007 Approval expires 8-31-85	
7/ 1-1/			ES AND DOCUMENTS		
1.11 DATE の8.07-84	INSPECTOR NO.	DAILY SEQ. NO.	Martha C. Ro	S.C.	
3. INSPECTOR ADDRE	11 th st		500 Me.Kissock		
Kansas	city, mo	64166	Holden, MO 64	1040	
	. ·	cal substances and/or mix e Toxic Substances Contro	tures described below were collected in co ol Act.	nnection with the	
	RECEIPT OF THE DO	CUMENT(S) AND/OR SAM	PLE(S) DESCRIBED IS HEREBY ACKNOWLE	DGED:	
NO.			DESCRIPTION		
. #/	·		lon drum in south bu	~	
12-	oil sample	e from stone	age tank # z in south be	ilding (SBST-2)	
13	1	_	the drum leak		
14		_	spot under valve of	5BS1-3	
15	ľ	from SBS		- ^	
16	Oil sample from outside storage tank (RST-1)				
17	Oil sample from Pit tank #4 (PST-4)				
18	Photograp	hs			
		t dated Octo			
•	Wek 300	copica of	m Anifests.		
					
OPTIONAL:	LIT SAMPLES: REQUES	STED AND PROVIDED	NOT REQUESTED		
INSPECTOR SIGNATU	RE		RECIPIENT SIGNATURE		
Khon!	3 Mc Call	, 1 3	Deright to	Nogizae Ju	
Ruben 1	3 M. Callon	S	NAME Cingle &	K.v.	
C. S. C)	8/15/84_	AL A CONTENT OF	8 -/5 -8 4/	

EPA Form 7740-1 (12-82)

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Form Approved OMB No. 2070-0007

W FF	Α .		LES CONTROL ACT	Approval expires 8-31-85
77 1-1			LES AND DOCUMENTS 12. FIRM NAME	
	NVESTIGATION IDENTI	FICATION DAILY SEQ. NO.	1	_
DATE D80784 3. INSPECTOR ADDRI		O I	MARTLA C. Rose C	the mich
3. INSPECTOR ADDRI	esion VII		500 W, McKiss	oc K
3246	E. 1162 5t,		500 67 /// 20133	
	MU. 6406		Holder, MO 6400	40
			·	
		cal substances and/or m ne Toxic Substances Con	ixtures described below were collected in trol Act.	connection with the
	RECEIPT OF THE DO	OCUMENT(S) AND/OR SA	MPLE(S) DESCRIBED IS HEREBY ACKNOW	/LEDGED:
NO.			DESCRIPTION	
	•	prosentation c		
	AST # 1 di	s) tank ro	co1 d	
	n -	Stand P.U. H	1961	
	i	-1 Pa	10 to	
	OIL Proces	sin daily Re	1-6-5-84 W. J.	
	Frish M	emo, -re R	blanding	
	WACOC			•
				•
_				
OPTIONAL:				
DUPLICATE OR SP		STED AND PROVIDED	RECIPIENT SIGNATURE	<u></u>
Pulant		12	9 Like 2 -	they.
Ruben	3 Mc Call	9/1	DL: Shi	homps Jr
TITLE CSA		PATE SIGNED	RAIFIN	DATE SIGNED
	•	10/24/04	DEPLANTANCE MAL	8-22-84
	"ENFORCE!	MENT SELV.	TIES W. Hym.	

and was republican english

.S. ENVIRONMENTAL PROTECTION A TSCA INSPECTION SUMMARY OF OBSERVATIONS

Name and Address of Inspector(s)	Name and Address of Facility Martha C. Ruse Chemical, but
Ruben B. McCallers	Martha C. Ruse Chemical, ma
Muser 13. Mcarers	SOOW, McKissock
 Environmental Protection Agency Air & Waste Compliance Branch	Holdren, MU. 64040
Room 1406	Chief Executive Officer of Firm
324 East 11th Street	
Kansas City, Missouri 64106	Walter Carolyn
Name of Individual to Whom Notice	Title
Given	0 1
	President
Walter Carolan Date	Address
Title Date	ļ
Pros. Las	SAME

The following possible deviations from the requirements of the Toxic Substances Control Act and regulations promulyated thereto were observed during this inspection:

- 1- Improper storage Transformer Redassification area not curbed

 1- Improper storage Transformer Re not sto disposal of within one year of gonoration.
- 2 Marking 3 PCB transformers Ale PCB containers not marked with ML, (This does not include generator violations;
- 3. Record Keeping. IN complete "Material Logs to 0:1 processing records.
- 4) Disposal. Numerous small oil lecks from capacitors, drums & transfermen that had not been cleaned. Transformers not "juservice" 90 days before responding & dismontling during reclassification.

This summary of observations is provided to bring to your attention those areas of concern at the earliest possible time. It is not intended to be a complete list of deviations from the requirements of the Toxic Substances Control Act and regulations promulgated thereto, but rather a list of those conditions of immediate concern and/or those readily apparent. If you have any questions regarding this summary, please contact the Toxics and Pesticides Section at 816/374-3036.

The undersigned acknowledges having received and read a copy of this TSCA Summary of Observations.

ignature,

Title of Inspector

White - Regional Office Copy Yellow - Facility Copy

Pink -Inspector's Copy

...S. ENVIRONMENTAL PROTECTION A TSCA INSPECTION SUMMARY OF OBSERVATIONS

Name and Address of Inspector(s) Environmental Protection Agency Air & Waste Compliance Branch	Name and Address of Facility Martha C. Ruse Chamich, Inc 500 W. Mc Kissack Hollon, Mo Gyour
Room 1406 324 East 11th Street Kansas City, Missouri 64106	Chief Executive Officer of Firm Walten Carolyn
Name of Individual to Whom Notice Given	President
Title Date	Address

The following possible deviations from the requirements of the Toxic Substances Control Act and regulations promulyated thereto were observed during this inspection:

CAPACITUR Processing Notacciording to parmit: sapily violations (no car protection, face shrelds up) No twice daily inspections & capacities script No. & MANUFacturer not listed when received. No Initial spray port

Oil processing not According to permitieguipmed modified without notifying EPA, No twice daily inspections, Processing greater than 10,000,7,2 mon 4/19/83 (0-2722 pum MANICO 01/2)

This summary of observations is provided to bring to your attention those areas of concern at the earliest possible time. It is not intended to be a complete list of deviations from the requirements of the Toxic Substances Control Act and regulations promulgated thereto, but rather a list of those conditions of immediate concern and/or those readily apparent. If you have any questions regarding this summary, please contact the Toxics and Pesticides Section at 816/374-3036.

ha undersigned acknowledges having received and read a coop of this TSCA

11.0 01.00101900	acurowacades marr	9 20002100 00 200	ad a cobl or are	,
Summary of Obser	vations.			
1 / 8	the s	R & T)	15-81
Signature (itle	Date	
R. lan & Mic	Collin	C-S.0	\$	15/84
Signature of Ins	pector , r \ I	ittle of Inspector	Date '	3 - 7 - 9 - 1
	- CI ASSITI	Distribution:	White - Region	al Office Copy

Inspector's Copy

			Late through the	77		
SEPA TOXIC	ONMENTAL TO WASHINGTON, DO SUBSTANCES CO	CONTROL ACT	Macha	ે.જે		
1. INVESTIGATION IDE		2. Region/State	12. Street of	- 4459	-	WANT CO.
08-07-84 2850	Daily Sequence	*07	1.5 00 %	McKisse	ik:	
CD ED SD	nber 5. Contract Wo					
6. Facility Function 7. Invest. Type DP 6PC		P		- 25g	14. State M6	15. ZIP Code 64040
9. Referral Agency	10. Warrant Re	equired No.	16. DUNS Number	4.00	17. SIC Code:	
		SAMPLE IN	FORMATION			
8. Sample Sequence Number	19. State Samp		18. Sample Sequence N		19. State Sam	
20. CAS Number 1336363	21. Project Cod	de	20. CAS Number 3636	3	21. Project Co	ode
22 Sample Medium OIL	23. Date Collect		22. Sample Medium		23. Date Colle	
24. Lot or Other Codes	25. Date Shipp	ped	24. Lot or Other Codes		25. Date Ship	ped
vial of oil celle Sterage tank #4	cted from	n pit	26. Sample Identification 10-11-83 S MGNI Fests Photograph	pill rep	ports	
27. Amount Before Sampling	ъ.		27. Amount Before Sar	npling		
28. Sample Description AFE 28 SENIEL TE PAS 3/27/84 GARY BE	30734285 101 03073 tRom	0011) RBM " 1425500117	28. Sample Description			
29. Manufacturer/Processor (Other t	han above)	OTHER	PACILITIES 29. Manufacturer/Proce	essor (Other tha	nn above)	
30. City	31. State	32. ZIP Code	30. City		31. State	32. ZIP Code
33. DUNS Number	1		33. DUNS Number	-1111	14.75 T	
		RE	CORDS			
84. Original Records R.	Ö		34. Original Records	-0		
35. Sample Delivered To	(non	36. Date 8/29/14	35. Sample Delivered T	o		36. Date
"ENFORCEME	DECLA NT SENS	STYE"	37. Remarks			
		Otung stage	-			
			N DOCUMENTS			
38. Credentials Presented 39. Noti	ce of Inspection	40. Notice of Confidentiality	41. Chain of Custody	42. Receipt 1 Documen		43. Declaration of Confidentiality
	-	-	1			<u> </u>
A Inspector's Name	Meca		45. Inspector Signatu	, PMc	1.10	~

ON SUMMARY N 2. Region/State quence O 7 act Work Order In for Investigation FOR Investigation SAMPLE II Sample Number ct Code Collected Shipped	12. Street SOO McKissock 13. City 14. State 15. ZIP Code 16. DUNS Number 17. SIC Codes NFORMATION 18. Sample Sequence Number 19. State Sample Number 20. CAS Number 21. Project Code
act Work Order In for Investigation Collected Collected Section 1 Sample Number	13. City 14. State 15. ZIP Code 16. DUNS Number 17. SIC Codes NFORMATION 18. Sample Sequence Number 19. State Sample Number 20. CAS Number 21. Project Code
n for Investigation Collected no Sample Number	16. DUNS Number 17. SIC Codes NFORMATION 18. Sample Sequence Number 19. State Sample Number 20. CAS Number 21. Project Code
SAMPLE II Sample Number ct Code Collected	16. DUNS Number 17. SIC Codes NFORMATION 18. Sample Sequence Number 19. State Sample Number 20. CAS Number 21. Project Code
SAMPLE II Sample Number ct Code Collected 8-15	19. State Sample Number 20. CAS Number 21. Project Code
ct Code Collected 44	18. Sample Sequence Number 19. State Sample Number 20. CAS Number 21. Project Code
ct Code Collected 94	20. CAS Number 21. Project Code
Collected 8-15-14	20. CAS Number 21. Project Code
	1336363
Shipped	22. Sample Medium 23. Date Collected 20 8 - 15 - 84
	24. Lot or Other Codes 25. Date Shipped
ſ 	
ليون	27. Amount Before Sampling
00115 RBA " PENTY 5 8/27/84 CARY OTHER	28. Sample Description 12 FL 11 OSG 7 TY 2550 U1 1 P. R.B.I SENTEL WILL EPIS SCALLET 110 30784 2850 8/27/84 GARY Bertran FACILITIES [29. Manufacturer/Processor (Other than above)
32. ZIP Code	30. City 31. State 32. ZIP Code
。	33. DUNS Number
RE	CORDS
	34, Original Records R-O
36. Date	35. Sample Delivered To SST (NCIC) 36. Date S/ZP/3
INSPECTIO	N DOCUMENTS 41, Chain of Custody 42. Receipt for Samples/ 43. Declaration of Confidentiality
	on 40. Notice of

110 740	IDONMENTAL DE TE	CTION ACENCY	11 Facilles Manie 202		ANTEN ANCHON IN	Additional Atlantin or he
VERA TOX	IRONMENTAL PY TE WASHINGTO SILC SUBSTANCES CO	NTROL ACT	Martha	(Q),	Z ic	
1. INVESTIGATION II	The state of the s	2. Region/State	12. Street	全点民 宝	Not some in	· · · · · · · · · · · · · · · · · · ·
08-07-84 Inspector Nu 2850	mber Daily Sequence	07	500	McKisse	ick _	
	lumber 5. Contract Work	Order				
6. Facility Function 7. Invest. Tyl	e 8. Reason for Inv	restigation	Holden	""	14. State Mo	15. ZIP Code 6 4040
9. Referral Agency	10. Warrant Req	uired No No	16. DUNS Number	化物元	17. SIC Codes	
		SAMPLE	NFORMATION			
18. Sample Sequence Number	19. State Sample		18. Sample Sequence I		19. State Sample	Number
20. CAS Number 13363	21. Project Code		20. CAS Number	335	21. Project Code	
22. Sample Medium	23. Date Collecte	5-84	22. Sample Medium	2.3	23. Date Collect	5-84
24. Lot or Other Codes	25. Date Shipped	1	24. Lot or Other Code	s	25. Date Shipper	
26. Sample Identification Surab sample Co from trash orum	in south b	I spot vilòins	Swab sar spot under in south b.	nple colle valve o vildins	cted from f steras	n oil e tank #3
27. Amount Before Sampling	NJ of		27. Amount Before Sa	mpling .		
27. Amount Before Sampling Oil Spot 28. Sample Description of C-1 # 12-11 - d = L H = PN 3/27/34 GASCY 29. Manufacturer/Processor 10the			FACILITIES 29. Manufacturer/Proc			13423500114
30. City	31. State	32. ZIP Code	30. City		31. State	32. ZIP Code
33, DUNS Number		Live L	33. DUNS Number	1 2 Nat - 1517	rektrijs. Te	The Alar West
W			33. DUNS Number			
34. Original Records	0.	n.	34. Original Records	Ο,		
35. Sample Delivered To	c (POST)	36 Date 8/28/84	35. Sample Delivered			36. Date \$/28/34
37. Remarks	20-17	13120181	37. Remarks	(recita)		13/20/09
"ENFORCE! 33. Credentials Presented 39, N		INSPECTION Notice of Confidentiality	N DOCUMENTS 41. Chain of Custody	42. Receipt f Documen		. Declaration of Confidentiality
44. Inspector's Name	1. Cullers		45. Inseractor's Signatu	Mc Call	lies	
EPA Form 7740-5 (3-83)	Cullery	☆ U.S. GPO 15	083-417-032/146	MICLEUR !		

US ENVIRON	MENT PROTEC	TION AGENCY	11. Facility Name	King the same	
TOXIC SU	IBSTANCES CON TIGATION SU	TROL ACT	Martha	The Tre	
1. INVESTIGATION IDENT		2. Region/State	12. Street	A Side and the second	CONTRACTOR AND
	Daily Sequence		-no W	ekissoek	Water Transfer
08-07-84 2850	01	07	500 11	2 /350CK	4.35
	r5. Contract Work (aras verm	
6. Facility Function 7. Invest. Type DP 6PC	8. Reason for Inve	stigation	Holden	14. State MO	15. ZIP Code 69040
9, Referral Agency	10. Warrant Requi	red	16. DUNS Number	17. SIC Cod	
	1-10-2-1-20		FORMATION		
18. Sample Sequence Number	19. State Sample N		18. Sample Sequence Nu	imber	mple Number
20. CAS Number 1336363	21. Project Code			21. Project (Code
22. Sample Medium	23. Date Collected	84	22. Sample Medium	23. Date Co	15-84
24. Lot or Other Codes	25. Date Shipped		24. Lot or Other Codes	25. Date Sh	pped
26. Sample Identification 1 vial Cit cellected from in south building	n 30 gallen	drun	26. Sample Identification i vial of eil tank #2 in	collected from	storage
27, Amount Before Sampling			27. Amount Before Sam	pling	
12020 SA	llun		~ 10,000 sAllons		
28. Sample Description 30 ml v. 11 RBM' Sented of 10 PO754: EPH sent "030754:	5/2/191		S 27/54 GAR		· 03c/84235cm
30. City	31. State	32. ZIP Code	30. City	31, State	32. ZIP Code
33. DUNS Number	- 5585C-50	0.7, = 949=	33. DUNS Number		France Co.
			CORDS		
34. Original Records		net	34. Original Records		
Q.0				0.	
35. Sample Delivered To NGIC		36. Date 8/28/54	35. Sample Delivered To		36. Date 8/28/54
37. Remarks	. 1	Soft	37. Remarks		
"ENFORCEM	Dr		N DOCUMENTS		
38. Credentials Presented 39. Notice of		Notice of Confidentiality	41. Chain of Custody	42. Receipt for Samples/ Documents	43. Declaration of Confidentiality
5/		2	1		
A4. Inspector's Name Ruber B. McCar		2	45. Inmilictor's Signature	McCalley	

O FDA	S ENVIRONMENTAL F E	CTION AGENCY 20460	11. Facility Name	I BOOK TO	· 上,约秦的三章
SHPA	TOXIC SUBSTANCES CO		Martha.	CROSE TI	nc
ALLI I	INVESTIGATION S		The second second	September 1	12 m 18 18 18 18 18 18 18 18 18 18 18 18 18
1 INVESTIGAT	ION IDENTIFICATION	2. Region/State	12. Street	1. 一方では、一方では、一方では、一方では、一方では、一方では、一方では、一方では、	
A WAS SHEEN WATER	tor Number Daily Sequence		- min	lekissock	
	50 01	07	500 11	CKISSOCK	
	stract Number 5 Contract Work			32	
CD EZ SD	N A- N 3-	7		2 6 500	
6. Facility Function 7. Inve	est. Type 8. Reason for Inv	vestigation	13. City	14. State	15. ZIP Code
	OPC FC	0	Holden	mo	104040
9. Referral Agency	10 Warrant Bed	uired	16. DUNS Number	17. SIC Codes	10,10,0
The state of the s	Yes□,f	No Ø	1 45	5.50 Fd	
			NFORMATION		
18. Sample Sequence Num	ber 19. State Sample			mber 25 19. State Samp	ple Number
0.5	in the last the same of		. 06	JAN 18	
20. CAS Number	21. Project Code		20. CAS Number	21. Project Co	de
1336363			1336363	21. Project Co	
22. Sample Medium	23. Date Collecte	ed ,	22. Sample Medium	23. Date Colle	cted
Doc.	08-10-		Doc .	08-1	3-84
24. Lot or Other Codes	25. Date Shipped		24. Lot or Other Codes	25. Date Shipp	
26. Sample Identification	1981, 82 + 83 Na	Lorial loc	26. Sample Identification	7-5-81, 9-3-4-1	1954 capicities
certificate of	The scale of a fader	-1 -1	1 processing loss	Transformer de	: multip
ablah Giets	Precessing for Feder lec. 17 U.S. Ecology es of disposal, 17 5-23-54.2 pages dis	al-mogula	records , 90 da	0.1 14.	Smileta
o ill a and Part	Lec. 17 U.S. = cology	Martestic	shoots for T	THAT FESTITS 1-	
Carrier dated	es of disposal, IP	age Transfer	12-2.12 50111	-1188,3-1618, 7-16	016, + T-2501
manifesto 427,	3-63-84. 7 pages 013	mantle inte,	12-30- 1	report; prices	
27. Amount Before Sample			27. Amount Before Same	olina	
27. Amount before semi-	ng		Z/. Allouit Date	oling	
28. Sample Description			28. Sample Description		^
28, Sample Description			28. Semple Description		
29. Manufacturer/Processo	- (Other than should)	OTHER	PACILITIES 29. Manufacturer/Process	-o- (Other than shoul)	
29. Manufacturet / Tuccias	(Other than above,		23, Manufacturer, 1100cc	TOL IOTHER THEIR SPOACE	
20.00	121 6444	122 710 Code	20.00	121 5****	Tan 719 Code
30. City	31, State	32. ZIP Code	30. City	31. State	32. ZIP Code
33, DUNS Number			33. DUNS Number		
	. 49452mg			The state of the s	
		RE	CORDS		
34. Original Records	Nin		34. Original Records	. ()	
	IN IU.		~	, ,	
35. Sample Delivered To		36. Date	35. Sample Delivered To		36. Date
37. Remarks			37. Remarks		
"ENTEOD	CELERTT CEAT	didipana.			
ENTUR	CEMENT SEN	TYPETY-			
	WER	-12 24-19 18A	8		
	UL	0,8/1			
		INSPECTIO	ON DOCUMENTS		
38. Credentials Presented	39. Notice of Inspection 40	Notice of	41 Chain of Custody	42. Receipt for Samples/	43. Declaration of
100		Confidentiality	The second of	Documents	Confidentiality
2	Z	Z	C.	Z	
44 Inspector's Name			45. Inspector's Signature		
	1 11		45. Inspector Signoral	Malalle	
M. L. 13	Mc Callers		1/(1/201)	I MalalleL	

SEPA TOX			Martha C	Cose The	
1. INVESTIGATION I Date Inspector No. 08-07-84 285-0 3. Inspecting Org. 4. Contract	DENTIFICATION umber Daily Sequence	2. Region/State	12. Street	McKissock	
C E E S			3.5		
6. Facility Function 7. Invest. Ty	pe 8. Reason for I	nvestigation	13. City Holden-	14 State Mo	64040
9. Referral Agency	10. Warrant Re		16. DUNS Number	17. SIC Cod	
	1 /2-2-1141		NEORMATION	MAAR VIT TOO	
18. Sample Sequence Number	19. State Samp		18. Sample Sequence Nu	mber 19. State Sa	mple Number
20. CAS Number / 336363	21. Project Cod	e	20. CAS Number	21. Project (Code
22. Sample Medium DOC	23. Date Collect	ted 84	22. Sample Medium	23. Date Co	11ected 29-84
24. Lot or Other Codes	25. Date Shippe		24. Lot or Other Codes	25. Date Shi	
1984 mate Warehouse C Gas) dated 08-08-84 R	rial leg perodion leg (Bi 3-15-84 Pose interestice	memo	1983 ma	terial log	
27. Amount Before Sampling			27. Amount Before Sam	pling	
28. Sample Description 29. Manufacturer/Processor /Oth	er than abovej	OTHER	28. Sample Description FACILITIES 29. Manufacturer/Proces	sor (Other than above)	
30. City	31. State	32. ZIP Code	30. City	31. State	32. ZIP Code
33. DUNS Number		4 - F 8 .	33. DUNS Number		1 -1 -1
		RE	CORDS		
34, Original Records	RD		34. Original Records	20	
35, Sample Delivered To	/// 0,	36. Date	35. Sample Delivered To		36. Date
37. Remarks "ENFORCEN	THOUSE	SIFIED SITIVE"	37. Remarks		
			IN DOCUMENTS		
38. Credentials Presented 39. N	otice of Inspection 4	0. Notice of Confidentiality	41. Chain of Custody	42. Receipt for Samples/ Documents	43. Declaration of Confidentiality
Z	Ø	7		Z	
44. Insegctor's Name	Culley		45. Inspector's Signature	PM Cell	1.62

ŞEPA ™			mariha Coss	, Inc	
Date Inspector 285	0 01	2. Region/State	500 McKisso	ock	far.
3. Inspecting Org. 4. Contra	t Number 5. Contract Work	Order	3.55	ž	
6. Facility Function 7. Invest.	Type 8. Reason for Inv		13. City Holden	14. State	15. ZIP Code 64040
9. Referral Agency	10. Warrant Requ		16. DUNS Number	17. SIC Codes	
	- Tes L 3		NFORMATION		
18. Sample Sequence Number	19. State Sample		18. Sample Sequence Number	19. State Samp	ie Number
20. CAS Number	21. Project Code		20. CAS Number 1336363	21. Project Cod	ie
22. Sample Medium	23. Date Collecte		22. Sample Medium	23. Date Collect	~ 11
24. Lot or Other Codes	25. Date Shipped		24. Lot or Other Codes	25. Date Shipp	·
26. Sample Identification	document		26. Sample Identification 62 pages from	. materic	1 209
27. Amount Before Sampling			27. Amount Before Sampling		
28, Sample Description			28. Sample Description		
29. Manufacturer/Processor (C	ther than above)	OTHER	FACILITIES 29. Manufacturer/Processor (Other to	han above)	
30. City	31. State	32. ZIP Code	30. City	31. State	32. ZIP Code
33. DUNS Number		3-	33. DUNS Number	7	7
		RE	CORDS		
34. Original Records			34. Original Records		
35. Sample Delivered To		36. Date	35. Sample Delivered To 36. Date		
37. Remarks 38. Credentials Presented 39	Notice of Inspection 40.	INSPECTION Notice of Confidentiality	ON DOCUMENTS 41. Chain of Custody 42. Receip		3. Declaration of Confidentiality
Z	Ø	7		Z	Confidentiality
Ruben BY	ne Cullers		45. Inspector's Signature	Lalle.	-

TOXIC SU	SHINGTON, DC 20460 BSTANCES CONTROL A TIGATION SUMMAR	ACT	Facility Name Martha C. R.	se Tre
1. INVESTIGATION IDENTI		on/State	500 McK	issock
C□ EØ S□			3-3-1-4-1	
3. Facility Function 7. Invest. Type DP 6PC	8. Reason for Investigation FCP	of 30 0at	13. City Holden	14. State 15. ZIP Code 64040
9. Referral Agency	10. Warrant Required	10	16. DUNS Number	17. SIC Codes
		-	FORMATION	1
18. Sample Sequence Number	19. State Sample Number		18. Sample Sequence Number	19. State Sample Number
20. CAS Number /336363	21. Project Code		20. CAS Number 3	21. Project Code
	23. Date Collected 84	1.35	22. Sample Medium	23. Date Collected
24. Lot or Other Codes	25. Date Shipped		24. Lot or Other Codes	25. Date Shipped
Swab sample capacitor motal.	ncr sample		swab sample capacitor meto numbers 9651	of "clean" 1. MCE sample +969.
27. Amount Before Sampling			27. Amount Before Sampling	
28. Sample Description idfd. "OS sealed with Eitseal 3-27-84 Gary Be	0507842850010	9	8-27-84 Gary B	ertram
29. Manufacturer/Processor (Other than	above)		29. Manufacturer/Processor (Other th	an above)
30. City	31. State 32. ZIF	Code	30. City -	31. State 32. ZIP Code
33. DUNS Number		-3	33. DUNS Number	
34. Original Records	. O:	AEC	34, Original Records	0_
35. Sample Delivered To Post (VEIC) 36. Da	8-84	35. Sample Delivered To RSF (WE	1C) 36. Date 8-29-84
S2, Credentials Presented 39, Notice o			Docume	for Samples/ 43. Declaration of Confidentiality
64 Inspector's Name PL	Callers	GPO 19	45. Ipspector's Signature 45. 1pspector's Signature 83-417-032/146	allre

			National Control of the Control of t		
SEPA TOXIC	NASHINGTON, DESUBSTANCES CONTRACTOR S	ONTROL ACT	Mar-	(e. (e. 1≥ as	es Eng
1. INVESTIGATION IDEN	TIFICATION	2. Region/State :	12. Street Wall	你可以我 日本	the the table
02-07-84 Z 850	Pr Daily Sequence	67	500	Mc Kissock	
	ber 5. Contract Wo				
5. Facility Function 7. Invest. Type DP	8. Reason for I		13. City Holde	14. State MO	15. ZIP Code 64040
9. Referral Agency	10. Warrant Re		16. DUNS Number	17. SIC Cod	
		SAMPLE IN	FORMATION		
18. Sample Sequence Number	- 19. State Samp		18. Sample Sequence N	umber 19. State Sa	mple Number
20. CAS Number 1336363	21. Project Cod	de	20. CAS Number 33.63.6	21. Project (Code
22. Sample Medium	23. Date Collect	cted 3-84	22. Sample Medium	· Land 23 Date Co	113-84
24. Lot or Other Codes	25. Date Shipp		24. Lot or Other Codes		
26. Sample Identification Swab sample of removed from vap	f capaci	itor casing	26. Sample Identification Swab sam Casing re, Degreeser	mple of cap	pacito-
27. Amount Before Sampling	-		27. Amount Before San	npling	
28. Sample Description , d C2) 7 3 20/20 With EPA 5 8/27/84 Gary 29. Manufacturer/Processor (Other th	Bertre	8+23500107	8-27-84 FACILITIES	rold "08078423. LA EPA Seal of Gary Bertm (Stor (Other than above)	801088288500108
30, City	31. State	32. ZIP Code	30. City	31. State	32. ZIP Code
33. DUNS Number	W. T.		33. DUNS Number		
		DE.	ORDS		
34. Original Records		, nev	34. Original Records	RO	
S5. Sample Delivered To PGS+ CA18 37. Remarks	10)	36 Date 3-28-84	35. Sample Delivered T	(NEIE)	36. Date 8 - 28 - 89
1	Dr. On &	INSPECTION Confidentiality	N DOCUMENTS 41. Chain of Custody	42. Receipt for Samples/ Documents	43. Declaration of Confidentiality
14 Inspector's Name	alles		Rules 1	m. Call	ers

1982 Material Located During Inspection and Compared to Material Log

Item No.	Manifest No.	Receipt	Reported Location
0.1117	017	01/06/82	Rollins
0-1103	017	01/06/82	Rollins
0-1108	017	01/06/82	Rollins
0-1110	017	01/06/82	Rollins
0-1109	017	01/06/82	Rollins
0-1038	016	12/15/81	Rollins
M-2349	082	12/20/82	Processed (12/19/83)
C-2120	072	11/11/82	•
L-1827	MCR .	09/24/82	Processed (10/02/82)
L-2322	1079-2	12/10/82	Processed (01/10/83) 0-2322A
L-1945	055	10/27/82	Not processed
L-2321	1079-2	12/10/82	Processed (01/10/83) 0-2321A
L-2297	1079-2	12/10/82	Shipped out (03/30/84)
0-2179	65646	11/23/82	•••••
0-2064	065	11/08/82	******
0-2023	059	10/29/82	Processed (06/14/83)
0-2111	071	11/11/82	Processed (06/14/83)
M-1340	- ASSIFIED	06/03/82	Processed (12/19/83)

"ENFORCEMENT SENSITIVE"

Attachment 54 Page two

Item No.	Manifest No.	Receipt	Reported Location
X-003	MCR	08/01/82	(<2ppm)
0-2162	65646	11/23/82	
0-2171	65646	11/23/82	•••••
0-1223	U75	11/24/82	
0-2166	65646	11/23/82	
0-2159	65646	11/23/82	
0-2160	65646	11/23/82	*******
0-2181	65646	11/23/82	
0-2127	69	11/12/82	Processed (10/09/83)
0-2128	69	11/12/82	Processed (10/09/83)
L-2310	1079-2	12/10/82	Rollins (03/30/84)
0-2270	080	12/10/82	•••••
0-2108	071	11/11/82	Processed (06/14/83)



PROCESSING COMPONENTS ON SITE

ITEM NO.	DATE MCR RCVD	MANIFEST NO.
~ A-013	03/01/83	MCR
_ A-014	03/01/83	•
- A− 035	03/22/83	•
~ A-047	03/23/83	
~ A-046	03/23/83	
_ A- 066	03/28/83	•
~ A- 067	03/28/83	
~ A-118	04/06/83	•
^A−119	04/06/83	•
~ A-199	04/26/83	u
- AA-407	06/13/83	
-AA-324	05/18/83	••
- AA-326	05/18/83	•
~A-683	07/ ∮ 4/83	•
~A−695	07/29/83	•
- A-629	07/22/83	
~ A-627	07/22/83	
- A- 626	07/22/83	
4 A-3 70	06/06/83	MCR
~ 4 A−3 67	06/06/83	•
4A-189	04/25/83	•
~ 4A-715	08/02/83	
~ 4A-429	06/14/83	•
` A-738, FD	08/04/83	•
CSILIT	i	

"ENFORCEMENT SENSITIVE"

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ITEM NO.	DATE MCR RCVD	MANIFEST NO.
805855555555555555555555555555555555555		**************************************
~A-556	07/12/83	•
- x- 018	02/01/83	•
` I - 007	04/05/83	•
_I - 008	04/05/83	-
~ I - 011	04/18/83	•
~ R-011	06/23/83	•
- R - 012	06/23/83	•
~ R-002	05/12/83	**
- R-020	08/03/83	•

"TNFORCEMENT SENSITIVE"

January Branch Berger Commence of Commence of

MISCELLANEOUS PCB SOLID WASTE NOT PROPERLY STORED

Manifest No.	Item No.	Receive Date	Weight
0106	M-2575	01/20/83	· 222
0106	M-2576	01/20/83	468
0106	M-2577	01/20/83	510
0106	M-2580	01/20/83	142
0106	M-2563	01/20/83	294
0106	M-2564	01/20/83	80
· 0106	M-2565	01/20/83	262
0106	M-2566	01/20/83	211
0106	M-2567	01/20/83	508
0106	M-2568	01/20/83	414
0106	M-2569	01/20/83	432
0106	M-2570	01/20/83	510
0106	M-2572	01/20/83	559
0106	M-2574	01/20/83	390
0106	M-2541	01/20/83	497
0106	M-2526	01/20/83	152
0106	M-2527	01/20/83	230
0106	M-2529	01/20/83	583
0106	M-2531	01/20/83	156
0106	M-2532	01/20/83	451
0106	M-2533	01/20/83	451
0106	M-2536	01/20/83	116
0106	M-2537	01/20/83	230

"ENFORCEMENT SENSITIVE"

Manifest No.	Item No.	Receive Date	Weight	
0106	M-2538	01/20/83	57 .	
0106	M-2539	01/20/83	155	
0106	M-2540	01/20/83	446	
108	M-2636	01/21/83	141	
108	M-2622	01/21/83	515	
108	M-2623	01/21/83	513	
108	M-2624	01/21/83	348	
108	M-2625	01/21/83	496	
108	M-2631	01/21/83	193	
108	M-2632	01/21/83	332	
108	M-2633	01/21/83	480	
109	M-2662	01/22/83	279	
109	M-2670	01/22/83	395	
110	M-2698	01/24/83	215	
0010	M-2895	02/19/84	46	
0010	M-2876	02/19/84	138	
0010	M-2877	02/19/84	40	
0010	M-2878	02/19/84	47	
0010	M-2861	02/19/84	130	
0010	M-2862	02/19/84	647	
0010	M-2863	02/19/84	272	
0010	M-2864	02/19/84	356	
0010	M-2865	02/19/84	624	
0010	M-2866	02/19/84	173	
0010 M-2866 02/19/84 173 "STORCEMENT SENSITIVE"				

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Manifest No.	Item No.	Receive Date	Weight
0010	M-2867	02/19/84	643
0010	M-2868	02/19/84	678
0010	M-2869	02/19/84	201
0010	M-2870	02/19/84	186
0010	M-2871	02/19/84	198
0010	M-2872	02/19/84	200
0010	M-2873	02/19/84	237
0010	M-2874	02/19/84	367
.118	M-2846	02/21/83	147
- 118	M-2847	02/21/83	266
126	M-3190	03/14/83	625
126	M-3165	03/14/83	565
126	M-3167	03/14/83	670
126	M-3171	03/14/83	505
126	M-3173	03/14/83	280
126	M-3175	03/14/83	350
126	M-3176	03/14/83	625
126	M-3177	03/14/83	495
126	M-3145	03/14/83	700
126	M-3146	03/14/83	400
126	M-3149	03/14/83	700
126	M-3150	03/14/83	475
126	M-3151	03/14/83	460
126 126	M-3152	03/14/83	471

STORCEMENT SENSITE, I"

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Manifest	No.	Item No.	Receive Date	Weight
126		M-3168	03/14/83	500
126		M-3129	03/14/83	350
126		M-3130	03/14/83	430
126		M-3131	03/14/83	260
126		M-3139	03/14/83	305
126		M-3140	03/14/83	242
126		M-3141	03/14/83	671
126		M-3144	03/14/83	385
0127		M-3207	03/15/83	570
0127		M-3208	03/15/83	460
0127		M-3209	03/15/83	480
0127		M-3210	U3/15/83	143
0127		M-3211	03/15/83	120
0127		M-3212	03/15/83	291
0127		M-3213	03/15/83	520
0127	[M-3214	03/15/83	585
0127		M-3216	03/15/83	460
U127		M-3218	03/15/83	560
0127	ļ	M-3220	03/15/83	625
0127		M-3222	03/15/83	430
U128		M-3223	03/21/83	4660
0128		M-3286	03/21/83	929
0128		M-3269	03/21/83	610
0128		M-3273	03/21/83	792

EXTORCEMENT SENSITION

Manifest No.	Item No.	Receive Date	Weight
0128	M-3274	03/21/83	582
0128	M-3280	03/21/83	624
0128	M-3284	03/21/83	231
0128	M-3285	03/21/83	734
0128	M-3252	03/21/83	273
0128	M-3253	03/21/83	719
0158	M-3254	03/21/83	300
0128	M-3260	03/21/83	817
. 0128	. M-3261	U3/21/83	· 757
0128	M-3267	03/21/83	438
0128	M-3240	03/21/83	742
0128	M-3241	03/21/83	761
0128	M-3242	03/21/83	717
0128	M-3243	U3/21/83	744
0128	M-3248	03/21/83	387
0128	M-3249	03/21/83	485
U128	M-3250	03/21/83	875
0128	M-3251	03/21/83	458
0-8551-7	M-3299	03/25/83	95
0-8551-7	M-3300	03/25/83	79
0148	M-346U	04/11/83	543
0159	M-3572	04/27/83	18.1 k
0159	M-3573	U4/27/83	18.6 k

"ENFORCEMENT SENSITIVE"

Manifest No.	Item No.	Receive Date	Weight
0159	M-3574	04/27/83	22.2 k
0159	M-3575	04/27/83	23.1 k
0159	M-3577	04/27/83	176.9 k
0159	M-3578	04/27/83	25.4 k
0160	M-3678	05/03/83	77 k
0160	M-3660	05/03/83	259.7 k
0047	M-3769	05/10/83	49.6 k
0047	M-377U	05/10/83	49.6 k
Ų162 .	M-3715	05/05/83	242
0162	M-3716	05/05/83	830
U162	M-3717	05/05/83	720
0162	M-3718	05/05/83	760
0162	M-3719	05/05/83	625
0162	M-3720	05/05/83	795
0162	M-3721	05/05/83	620
0162	M-3722	05/05/83	760
U171	M-3874	05/16/83	314.8
0172	M-3882	05/16/83	400
0172	M-3883	05/16/83	400
0172	m-38 84	05/16/83	400
0172	M-3 885	05/16/83	400
0175	M-3773	05/12/83	510
0175	M-3774	05/12/83	459

"SORCEMENT SENSITIVE"

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Manifest No.	Item No.	Receive Date	Weight
0175	M-3775	05/12/83	565
j			
0175	M-3776	05/12/83	540
01368PCB0U7	M-4058	06/17/83	510
u	M-4059	06/17/83	530
11	M-406U	06/17/83	590
	M-4U61	06/17/83	550
H	M-4062	06/17/83	830
н	M-4063	06/17/83	530
	M-4064	06/17/83	530
H	M-4065	06/17/83	462
ıı	M-4066	06/17/83	200
ii	M-4U67	06/17/83	565
ii .	M-4068	06/17/83	565
11.	M-4069	06/17/83	52 0
11	M-4070	06/17/83	570
n	M-4U53	06/17/83	620
	M-4U54	06/17/83	370
11	M-4055	06/17/83	440
ii.	M-4056	06/17/83	460
ii .	M-4U57	06/17/83	530
1368PCB008	M-4082	06/17/83	450
н .	M-4083	06/17/83	600

TOWN CEMENT SENSITIVE

1948 - Nach Bereich, 1948 - Mandatothale 1955 - Alexandr Bereich, 1964 - Matte, 2048 - N. Madell, Laboret Sch

Manifest No.	Item No.	Receive Date	Weight
01368PCB008	M- 4084	06/17/83	340
11	M-4085	06/17/83	585
ti .	M-4086	06/17/83	410
и	M-4087	06/17/83	600
u	M-4088	06/17/83	360
u	M-4089	06/17/83	290
n l	M-4090	06/17/83	570
и	M-4091	06/17/83	625
n	M-4092	06/17/83	605
и	M-4093	06/17/83	615
41	M-4094	06/17/83	550
u	M-4095	06/17/83	540
u	M-4096	06/17/83	520
11	M-4097	06/17/83	585
11	M-4098	06/17/83	585
H	M-4099	06/17/83	585
11	M-4100	06/17/83	610
11	M-4101	06/17/83	615
11	M-4102	06/17/83	350
11	M-4103	06/17/83	555
11	M-4104	06/17/83	425
u	M-4105	06/17/83	580
· · ·	M-4106	06/17/83	595

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Manifest No.	Item No.	Receive Date	Weight
0207	M-5018	07/08/83	220
0207	M-5019	07/08/83	220
0207	M-5020	07/08/83	172
		}	J

"STORCEMENT SENSITIVE"

PCB OIL STORED IN PST-1

Manifest No.	Item No.	Initial Storage	Final Storage	Weight
1101	0.2205	12/21/02	02/12/94	500 1h
1101	0-2385	12/21/82	03/13/84	509 1ь
1101	0-2386	12/21/82	03/13/84	403 lb
1101	0-2389	12/21/82	03/13/84	753 1ь
1101	0-2390	12/21/82	03/13/84	437 lb
1101	0-2393	12/21/82	03/13/84	464 lb
1101	0-2394	12/21/82	03/13/84	680 lb
1101.	0-2396	12/21/82	03/13/84	435 16
1101	0-2398	12/21/82	03/13/84	470 16
. 1101	0-2399	12/21/82	03/13/84	535 lb
1101	0-2400	12/21/82	03/13/84	476 lb
1101	0-2401	12/21/82	03/13/84	460 lb
1101	0-2402	12/21/82	03/13/84	330 1ь
1101	0-2403	12/21/82	03/13/84	741 16
1101	0-2404	12/21/82	03/13/84	380 1ь
1101	0-2405	12/21/82	03/13/84	262 16
1101	0-2406	12/21/82	03/13/84	72 7 1b
1101	0-2407	12/21/82	03/13/84	65U 1b
1101	0-2408	12/21/82	03/13/84	592 1ь
1101	0-2409	12/21/82	03/13/84	539 1b
1101	0-2410	12/21/82	03/13/84	224 16
1101	0-2411	12/21/82	03/13/84	712 16
1101	0-2412	12/21/82	03/13/84	424 16
(101	0-2413	12/21/82	03/13/84	460 16
1101	0-2414	12/21/82	03/13/84	717 16

NFORCEMENT SENSTITVE"

Manifest No.	Item No.	Initial Storage	Final Storage	Weight
1101	0-2420	12/21/82	03/13/84	188 lb
1101	0-2421	12/21/82	03/13/84	7 <u>1</u> 8 15
1101	0-2422	12/21/82	03/13/84	212 16
1101	0-2423	12/21/82	03/13/84	435 lb
1101	0-2426	12/21/82	03/13/84	468 lb
1101	0-2428	12/21/82	03/13/84	349 1ь
18	0-1058	01/06/82	03/14/84	243 kg
18	0-1059	01/06/82	03/14/84	243 kg
PPM-0010	0-2885	02/19/832	03/14/84	???
PPM-0010	0-2888	02/19/83 2	03/14/84	???
PPM-UUlU	0-2891	02/19/83 ?	03/14/84	???
PPM-0010	0-2892	02/19/831	03/14/84	???
MCR	0-1086	03/02/82		206 kg
MCR	0-1595	03/02/82		226 kg
MCK	0-1598	03/02/82		192 kg
MCR	0-1599	03/02/82		212 kg
MCR	0-1105	03/02/82		176 kg
090	0-2449	12/31/82	03/14/84	701 lb
09υ	0-2450	12/31/82	03/14/84	787 lb
090	0-2451	12/31/82	03/14/84	793 16
090	0-2452	12/31/82	03/14/84	776 lb
0.90	0-2453	12/31/82	03/14/84	788 lb
~ (v§v)	0-2450	12/31/82	03/14/84	768 15
090	0-2455	12/31/82	03/14/84	781 15

ENFORCEMENT SENSITIVE"

Manifest No.	Item No.	Initial Storage	Final Storage	Weight
090	0-2456	12/31/82	03/14/84	778 16
090	0-2460	12/31/82	03/14/84	782 lb
090	0-2461	12/31/82	03/14/84	785 lb
090	0-2462	12/31/82	03/14/84	687 lb
0.90	0-2463	12/31/82	03/14/84	775 lb
090	0-2472	12/31/82	03/14/84	785 lb
090	0-2473	12/31/82	03/14/84	790 1ь
090	0-2474	12/31/82	03/14/84	788 lb
0 90	. 0-2475	12/31/82	03/14/84	782 lb
U 55	L-1948	10/27/82		429 lb
069	0-2133	11/12/82	03/14/84	. 668 1ь
1101	0-2380			505 lb
1079	0-2280	12/10/82	03/14/84	779 lb
1079	0-2281	12/10/82	03/14/84	751 lb
1079	0-2282	12/10/82	03/14/84	764 lb
1079	0-2283	12/10/82	03/14/84	750 lb
1079	0-2284	12/10/82	03/14/84	759 lb
1079	0-2285	12/10/82	03/14/84	217 16
1079	0-2286	12/10/82	03/14/84	746 lb
1079	0-2287	12/10/82	03/14/84	387 16
1079	0-2288	12/10/82	03/14/84	750 16
1079	0-2289	12/10/82	03/14/84	743 15
79	0-2290	12/10/82	03/14/84	753 lb
79 79 1079	0-2291	12/10/82	03/14/84	756 lb
		1	1	

ORCEMENT SENSITIVE"

Manifest No.	Item No.	Initial Storage	Final Storage	Weight
1079	0-2292	12/10/82	. 03/14/84	756 1b
1 0 7 9	0-2293	12/10/82	03/14/84	759 1b
1079	0-2294	12/10/82	03/14/84	77U 1b
1079	0-2295	12/10/82	03/14/84	749 lb
MCR	A-001	12/29/82		???
MCR	A-002	12/29/82		???
MCR	A-003	12/29/82		???
MCR	0-1817	12/29/83	03/15/84	130 kg
MCR ·	0-1818	12/29/82	03/15/84	123 kg
MCR	0-1819	12/29/82	03/15/84	126 kg
1101	0-2372	12/21/82	U3/14/84	643 16
1101	0-2373	12/21/82	03/14/84	762 lb
1101	0-2374	12/21/82	03/14/84	682 lb
1101	0-2375	12/21/82	03/14/84	764 lb
1101	0-2376	12/21/82	03/14/84	415 16
1101	0-2377	12/21/82	03/14/84	355 16
1101	0-2378	12/21/82	03/14/84	365 lb
- 1101	0-2379	12/21/82	03/14/84	500 lb
MCR	0-1803	09/24/82	03/15/84	163 kg
MCR	0-1804	U9/24/82	03/15/84	166 kg
· MCK	0-1805	09/24/82	03/15/84	155 kg
MCR	0-1806	09/24/82	03/15/84	145 kg
NER .	0-1807	09/24/82	03/15/84	166 kg
MCR	0-1808	09/24/82	03/15/84	177 kg
	•	•	•	•

ORCEMENT SENSITIVE"

Manifest No.	Item No.	Initial Storage	Final Storage	Weight
MCD	0-1820	10/01/82	03/15/84	160 kg
MCR		l		160 kg
MCR .	0-1821	10/01/82	03/15/84	141 kg
MCR	0-2362	10/01/82	03/15/84	135 kg
MCR	0-2363	10/01/82	03/15/84	166 kg
MCR	0-1831	10/01/82	03/15/84	??? .
MCR	0-1909	10/22/82	03/14/84	174 kg
MCR	0-2048	11/03/82	03/14/84	146 kg
MCR	0-2049	11/03/82	03/14/84	151 kg
MCR _	0-2050	11/03/82	03/14/84	141 kg
MCK	0-2051	11/03/82	03/14/84	145 kg
MCK .	0-2052	11/03/82	03/14/84	138 kg
055	0-1933	10/27/82	03/15/84	754 lb
U 55	0-1934	10/27/82	03/15/84	759 lb
055	0-1935	10/27/82	03/15/84	755 lb
055	0-1936	10/27/82	03/15/84	766 lb
055	L-1942	10/27/82	03/15/84	435 lb
055	L-1943	10/27/82	03/15/84	416 lb
055	L-1944	10/27/82	03/15/84	419 16
055	L-1945	10/27/82	03/15/84	440 16
055	L-1946	10/27/82	03/15/84	340 16
1101	0-2429	12/21/82	03/15/84	444 lb
1101	0-2430	12/21/82	03/15/84	731 lb
LEVED)	0-2431	12/21/82	03/15/84	720 16
2/2		i l		lb

16

Manifest No.	Item No.	Initial Storage	Final Storage	Weight
0114	0-2966	02/24/83	03/14/84	209 kg
0114	0-2967	02/24/83	03/14/84	227 kg
0114	0 - 2975	02/24/83	03/14/84	358 kg
0114	0-2976	02/24/83	03/14/84	313 kg
0114	0-2977	02/24/83	03/14/84	356 kg
0114	0-2978	02/24/83	03/14/84	349 kg
0114	0-2979	02/24/83	03/14/84	2Ù6 kg
0114	0-2946	02/24/83	03/14/84	236 kg
0114	0-2951	02/24/83	03/14/84	206 kg
0114	0-2953	02/24/83	03/14/84	345 kg
0118	0-2842	02/21/83	03/14/84	369 1ь
0118	0-2843	02/21/83	03/14/84	31U 1b
0118	0-2844	U2/21/83	03/14/84	750 lb
0126	0-3181	03/14/83	03/14/84	765 lb
0127	0-3221	03/15/83	03/12/84	616 lb
U151	0-3472F1	04/13/83	03/14/84	
0183	0-3901402	05/21/83	03/14/84	880 kg
108	0-2592	01/21/83	03/14/84	807 15
108	0-2593	01/21/83	03/14/84	762 lb
108	0-2594	01/21/83	03/14/84	552 15
108	0-2595	01/21/83	03/14/84	55 3 1b
108,	0-2596	01/21/83	03/15/84	765 lb
5/19/2	0-2597	01/21/83	03/15/84	748 15

*ENFORCEMENT SENSITIVE

Attachment 32 5 7
Page seven

Manifest No.	Item No.	Initial Storage	Final Storage	Weight
108	0-2598	01/21/83	03/14/84	732 lb
108	0-2599	01/21/83	03/14/84	725 1b
108	0-2600	01/21/83	03/14/84	700 1b
109	0-2656	01/22/83	03/14/84	740 lb
109	0-2640	01/22/83	03/14/84	740 1b
	0-2648		03/14/84	555 1b
109		01/22/83		520 1b
109	0-2649	01/22/83	03/14/84	
109	0-2651	01/22/83	03/14/84	740 16
0112	0-2722	01/26/83	03/14/84	374 15
0112	0-2724	01/26/83	03/14/84	500 16
0112	0-2725	01/26/83	03/14/84	760 lb
0112	0-2726	01/26/83	03/14/84	700 16
0112	0-2727	01/26/83	03/14/84	750 lb
0112	0-2728	01/26/83	03/14/84	635 lb
0112	0-2729	01/26/83	03/14/84	740 16
0112	0-2730	01/26/83	03/15/84	520 16
0112	0-2731	01/26/83	03/14/84	800 16
MCR	0-2507	01/02/83	03/14/84	
MCR	0-2506	01/02/83	03/14/84	
MCR	0-2508	01/02/83	03/14/84	32 1 72 kg
MCR	0-2509	01/02/83	03/14/84	
MCR <	0-2510	01/02/83	03/14/84	
MORTIFIE	0-2503	01/02/83	03/14/84	<u> </u>
N CR	0-1838	01/03/83	U3/15/84	339 kg

NTORCEMENT SENSITIVE"

Manifest No.	Item·No.	Initial Storage	Final Storage	 Weight
MCR	0-1842	01/03/83	03/14/84	209 kg
MCR	0-1843	01/03/83	03/15/84	210 kg
MCR	0-1844	01/03/83	03/15/84	330 kg
MCR	0-1845	01/03/83	03/15/84	· 356 kg
MCR	0-1846	01/03/83	03/15/84	205 kg
MCR	0-1847			
		01/03/83	03/14/84	209 kg
MCR	0-1848	01/03/83	03/14/84	205 kg
MCR	0-1849	01/03/83	03/14/84	209 kg
MCR	0-1850	01/03/83	·03/14/84	210 kg
MCR	0-1855	01/03/83	03/15/84	210 kg
MCR	0-1878	01/03/83	03/15/84	354 kg
MCR	0-1881	01/03/83	03/14/84	338 kg
MCR	0-1882	01/03/83	03/14/84	355 kg
MCR	0-1883	01/03/83	03/14/84	349 kg
MCR	0-1884	01/03/83	03/14/84	352 kg
MCR	0-1889	01/03/83	03/14/84	363 kg
MCR	0-1890	01/03/83	03/14/84	3 61 kg
MCR	0-1891	01/03/83	03/14/84	360 kg
MCR	0-1892	01/03/83	03/14/84	350 kg
MCR	0-1893	01/03/83	03/15/84	356 kg
MCR	0-1896	01/03/83	03/15/84	359 kg
MCR	0-1907	01/03/83	03/15/84	362 ky
MCR CS) 0-1908	01/03/83	03/14/84	361 kg

*ENFORCEMENT SLINSTTIVE

Manifest No.	Item No.	Initial Storage	Final Storage	Weight
	2.0750	01 /20 /02	02/14/04	070 1
MCR	0-2758	01/28/83	03/14/84	272 kg
MCR	0-2759	01/28/83	03/14/84	272 kg
MCR	0-2760	01/28/83	03/14/84	272 kg
MCR	0-2761	01/28/83	03/14/84	272 kg
MCR	0-2762	01/28/83	03/14/84	272 kg
MCR	0-2763	01/28/83	03/14/84	272 kg
MCR	0-2764	01/28/83	03/14/84	272 kg
MCR	0-2765	01/28/83	03/14/84	272 kg
MCR	0-2766	01/28/83	03/14/84	272 kg
MCR	0-2767	01/28/83	03/14/84	272 kg
MCR	0-2768	01/28/83	03/14/84	272 kg
MCR	0-2769	01/28/83	03/14/84	272 kg
MCR	0-2829	02/01/83	03/13/84	272 kg
MCR	0-2830	02/01/83	03/13/84	272 kg
MCR	0-3058	02/01/83	03/13/84	272 kg
MCR	0-3059	02/01/83	03/14/84	272 kg
MCR	0-3060	02/01/83	03/14/84	272 kg
MCR	0-3061	02/01/83	03/14/84	272 kg
MCR	0-3062	02/01/83	03/14/84	272 kg
0 010	0-29 3 0	02/19/93	03/14/84	495 16
0010	0-2931	02/19/83	03/15/84	465 lb
0 010	0-2892	02/19/83	03/14/84	526 1ธ
C 1. 163.6)	0-2894	02/19/83	03/14/84	552 lb

"ENFORCEMENT SENSITIVE"

Manifest No.	Item No.	Initial Storage	Final Storage	Weight
0010	0-2897	02/19/83	03/15/84	503 lb
0010	0-2908	02/19/83	03/15/84	49 0 1b
0010	0-2885	02/19/83	03/14/84	518 1b
0010	0-2887	02/19/83	03/14/84	54U 1b
0010	0-2888	02/19/83	03/14/84	465 lb
0010	0-2890	02/19/83	03/14/84	459 lb
	0-2618	i	03/14/84	727 lb
0108		01/21/83		
0108	0-2619	01/21/83	03/14/84	724 16
0108	0-2620	01/21/83	03/15/84	737 16
0108	0-2621	01/21/83	03/15/84	752 1ь
0108	0-2601	01/21/83	03/14/84	722 lb
0108	0-2602	01/21/83	03/14/84	726 lb
0108	0-2603	01/21/83	03/15/84	726 lb
U 1U8	0-2604	01/21/83	03/15/84	69U 1b
0108	0-2605	01/21/83	03/15/84	727 lb
0108	0-2606	01/21/83	03/15/84	751 lb
0108	0-2607	01/21/83	03/15/84	760 lb
0108	0-2608	01/21/83	03/15/84	70U 1b
0108	0-2609	01/21/83	03/14/84	728 lb
0108	0-2610	01/21/83	03/14/84	726 lb
0108	0-2611	01/21/83	03/15/84	733 lb
0108	0-2612	01/21/83	03/15/84	758 1ь
ofest	0-2513	01/21/83	03/15/84	766 lb

"FNESR CEMENT SENSITIVE"

Manifest No.	Item No.	Initial Storage	Final Storage	Weight
0108	0-2614	01/21/83	03/15/84	774 lb
0108	0-2615	01/21/83	03/14/84	774 lb
0108	0-2616	01/21/83	03/14/84	722 lb
0108	0-2617	01/21/83	03/14/84	729 lb
0108	0-2584	01/21/83	03/14/84	729 lb
0108	0-2584	01/21/83	03/14/84	738 lb
0108	0-2586	01/21/83	03/14/84	735 lb
0108	0-2584	U1/21/83	03/14/84	770 lb
บาบุร	0-2588	01/21/83	03/15/84	798 lb
0108	0-2589	01/21/83	03/15/84	725 lb
0108	0-2590	01/21/83	03/15/84	755 lb
0108	0-2591	01/21/83	03/15/84	748 1b
0010	0-2891	02/19/83	03/14/84	477 lb
MCR	0-1836	01/06/83	03/15/84	303 kg
MCR	0-1837	01/06/83	03/15/84	265 kg
MCR	0-1839	01/06/83	03/15/84	313 kg
MCR	0-1841	01/06/83	03/14/84	194 kg
MCR	0-1854	01/06/83	03/14/84	194 kg
MCR	0-1861	01/06/83	U3/14/84	200 kg
MCR	0-1864	01/06/83	03/15/84	208 kg
MCR	0-1865	01/06/83	03/15/84	183 kg
MCR	0-1868	01/06/83	03/15/84	181 kg
MEMED	0-1869	01/06/83	03/15/84	203 kg

TOTAL CELIENT SENSITIVE

Manifest No.	Item No.	Initial Storage	Final Storage	Weight
MCR	0-1873	01/06/83	03/14/84	192 kg
MCR	0-1874	01/06/83	03/15/84	186 kg
MCR	0-1875	01/06/83	03/15/84	311 kg
MCR	0-1894	01/06/83	03/15/84	345 kg
MCR	0-1895	01/06/83	03/15/84	338 kg
MCR	0-1897	01/06/83	03/15/84	346 kg
MCR	0-1898	01/06/83	03/15/84	337 kg
MCR	0-1899	01/06/83	03/15/84	345 kg
MCR	0-1900	01/06/83	U3/15/84	.320 kg
MCR	0-1901	01/06/83	03/14/84	345 kg
MCR	0-1902	01/06/83	03/14/84	330 kg
MCR	0-1903	01/06/83	03/14/84	335 kg
MCR	0-1904	01/06/83	03/14/84	319 kg
MCR	0-1905	01/06/83	03/14/84	308 kg
MCR	0-1906	01/06/83	03/14/84	320 kg
096A	0-2512F1	01/08/83	03/14/84	???
MCR	0-2327	01/10/83	03/12/84	152 kg
0114	0-2938	02/24/83	03/14/84	338 kg
0114	0-2944	02/24/83	03/14/84	. 218 kg
0114	0-2980	02/24/83	03/14/84	358 kg
0344	0-6496	10/18/83	U5/31/84	698 15
0344	0-6497	10/18/83	U5/31/84	671 lb
0344/ED	0-6504	10/18/83	05/31/84	675 16

PECLACINA SEVERALE

Manifest No.	Item No.	Initial Storage	Final Storage	Weight
0344	0-6509	10/18/83	05/31/84	43 9 1b
0344	0-6511	10/18/83	05/31/84	400 lb
U344	0-6512	10/18/83	05/31/84	745 lb
0344	0-6505	10/18/83	05/31/84	445 lb
0344	0-6506	10/18/83	05/31/84	462 lb
0344	0-6507	10/18/83	05/31/84	717 lb
U344	0-6521	10/18/83	05/31/84	785 1ь
0344	0-6522	10/18/83	05/31/84	695 lb
0344	0-6524	10/18/83	05/31/84	750 16
0344	0-6525	10/18/83	05/31/84	320 16
U344	0-6527	10/18/83	05/31/84	656 lb
0344	(0)T-6528	10/18/83	05/31/84	192016
0344	(0)T-6529	. 10/18/83	05/31/84	19201ь

approx. 170,000 16

ENESSIFIED

ENESSIFIED

ENESSIFIED

VIOLATIVE	PCBs ON SITE	VIOLATIVE	WATER ON SITE
01117	1/6/82	₩5226	8/3/83
01103	**	W5273	8/9/83
01108	•	W5264	*
01110	*	W5269	*
01109	•	W5231	8/3/83
01038	12/15/81	W5230	•
05027F	7/8/83.	W5267	8/9/83
05027C	•	W5176	7/26/83
O5027D	•	W5174	•
03235	3/21/83		
02179	11/23/82		
02064	11/8/82	•	
02023	10/29/82		
02111	11/11/82	VIOLATIVE	LIQUID ON SITE
02162	11/23/82		
02171	•	L5139	7/26/83
03490	?	L5163	•
03489	•	L5470	
01223	11/24/82	L5162	•
02166	11/23/82	L5140	•
02159	•	L4153	6/21/83
02160	•	L4039	6/20/83
02833	2/2/83	L4038	
02181	11/13/82	L4152	6/21/83
02845	2/22/83	L1827	9/24/82
02127	11/12/82	L1945	10/27/82
02128	•	L2322	12/10/82
02845	2/22/83	L2321	•
02845a	2/21/83	L2297	•
02832	2/1/83	L3698	5/3/83
03637	4/27/83	L2310	12/10/82
02270	12/10/82		
02108	11/11/82		
03626	4/27/83		
05260	8/4/83		
02893	2/19/83		

MISC. ON SITE (VIOLATIVE)

ID#	STORAGE DATE	MANIFEST	-	
M2708A	1/22/83		445 lbs.	
M2708B				
M5475	6/2/83	0427		
M5452	3/23/83	0246		
M2349	12/20/82	082		
M4168	6/23/83	MCR		
M3780A	5/12/83	MCR		
M3780B	• •	MCR		
M3580C	**	MCR		
M2868	2/19/83	PPM-010	678 lbs.	
M2867	W	•	463 lbs.	
M3882	5/17/83	0172	400 lbs.	
M3884	•	•	400 lbs.	
M3249	3/21/83	0128	485 lbs.	
M3720	5/5/83	0162	795 lbs.	
M3 253	3/21/83	0128	719 lbs.	
M1340	6/3/82	MCR		
M3903	5/24/83			
M7238	12/10/83	0405	565 lbs.	
M7239	#	•	165 lbs.	7/30/83
M7237	16	•	485 lbs.	7/29/83
M7236	•	₩ .	402 lbs.	7/19/83
M7365	12/13/83	0406	410 lbs.	
M7367	n	• .	405 lbs.	•
M7326	11	•	395 lbs.	ļ
M7244	12/10/83	0405	535 lbs	12/10/81
M7279	. 11	n	370 lbs.	8/28/81
M7278	. 10	•	345 lbs.	9/29/81
M7277		••	392 lbs.	8/5/83
M6972	11/16/83			ļ
M7241	12/10/83		410 lbs.	7/29/83

"EI FORCEMENT SENSITA E"

'83 SOLID WASTE DISPOSED AFTER ONE YEAR

MANIFEST	ITEM #	WT.	REC'D DATE	DISPOSAL DATE
106	M2583	69 lbs.	1/20/83	6/11/84
•	M2558	230 lbs.		6/27/84
•	M2542	505 lbs.	•	6/22/84
•	M2524	276 lbs.		*
**	M2525	255 lbs.	•	•
•	M2530	255 lbs		•
**	M2534	440 lbs.	•	6/27/84
•	M2535	365 lbs.	•	6/7/84
108	M2629	347 lbs.	1/21/83	7/22/84
•	M2630	372 lbs.	•	6/22/84
109	M2664	324 lbs.	1/22/83	•
0010	M2859	363 lbs.	2/19/83	6/28/84
n	M2860	135 lbs.	•	' #
0126	M3 199	520 lbs.	3/14/83	6/14/84
•	M3162	250 lbs.	•	6/11/84
10	M3 163	435 lbs.	•	6/25/84
	M3 164	435 lbs.	•	•
H	M3166	69 lbs.	₩	6/14/84
	M3168	560 lbs.	•	6/22/84
•	M3 169	175 lbs.	•	•
11	M3170	740 lbs.	•	•
₩	M3172	630 lbs.	•	• ••
**	M3174	680 lbs.	•	W
•	M3147	573 lbs.	•	6/14/84
	M3148	680 lbs.		
**	M3 153	80 lbs.		6/25/84
**	M3154	80 lbs.		6/27/84
	M3155	550 lbs.	•	6/25/84
	M3156	495 lbs.		6/11/84
**	M3157	685 lbs.		•
**	M3 158	505 lbs.		
	м3 159	640 lbs.		6/14/84
-	M3160	510 lbs.	-	6/27/84
	M3161	370 lbs.		6/11/84
*	M3132	280 lbs.	•	6/27/84
	M3133	91 lbs.	!!	
11	M3134	500 lbs.	"	6/28/84
**	M3135	640 lbs.	**	
*	M3136	500 lbs.		6/27/84
**	M3137	593 lbs.		6/14/84
-	M3138	250 lbs.	₩ ₩	6/27/84
-	M3142	80 lbs.		6/22/84
**	M3143	205 lbs.	**	6/14/84

'83 SOLID WASTE DISPOSED AFTER ONE YEAR

MANIFEST	ITEM #	WT.	REC'D DATE	DISPOSAL DATE
0127	M3215	790 lbs.	3/15/83	6/11/84
**	M3219	590 lbs.	**	•
0 128	M3271	767 lbs.	3/21/83	6/14/84
**	M3275	867 lbs.		•
•	M3276	591 lbs.	•	•
•	M3277	718 lbs.		6/28/84
**	M3278	527 lbs.	•	•
**	M3279	616 lbs.	•	6/14/84
**	M3281	511 lbs.	••	-
	M3282	468 lbs.	•	•
**	M3283	337 lbs.	**	
11	M3255	797 lbs.	••	6/11/84
H	M3256	767 lbs.	•	
n	M3257	769 lbs.	•	6/22/84
11	M3258	817 lbs.	•	
**	M3259	742 lbs.		6/14/84
	M3262	842 lbs.	**	6/28/84
11	M3263	887 lbs.		6/25/84
10	M3264	921 lbs.		
m	M3265	880 lbs.		6/28/84
at .	M3266	.895 lbs.	•	
n .	M3244	740 lbs.	59	6/22/84
**	M3245	690 lbs.	W	
11	M3246	458 lbs.	N	6/25/84
11	M3247	742 lbs.		
0 159	M3569	323 kg.	4/27/83	6/28/84
11	M3570	321 kg.		6/27/84
**	M3571	306 kg.	•	6/28/84
		20,002 lbs.		
		+ 950 kg.		
			+ 6511 = 16,470	kg.

'82 SOLID WASTE DISPOSED AFTER ONE YEAR

MANIFEST	ITEM #	WT.	REC'D DATE	DISPOSAL DATE
MCR	M1111	121 kg.	3/2/82	5/8/84 or 6/6/84
	M1112	151 kg.	••	10 10 10
	M1596	180 kg.	•	. 5/8/84
•	M1597	145 kg.		**
**	M1600	159 kg.	•	•
m	M1601	175 kg.		•
10	M1602	159 kg.	•	•
056	M1955	79 kg.	10/27/82	6/11/84
=		1 169 kg.	• - •	• •

KCK company fined in handling of PCBs

By Barbara Musfeldt

The Star's energy/environment writer

Kansas City, Kan., firm has been fined \$149,000 by federal environmental officials for improper handling of

Environmental International Electrical Services Inc., 3126 Brinkerboll Road, is charged with violating nine federal laws regulating handling and storage of PCBs, or polychlorinated biphenyls, according to a civil complaint recently filed by the U.S. Environmental Protection

Soil near the site in the Fairfax industrial district had levels of PCB contamination as high as 5,900 parts per million, accord-

ing to the complaint.

Federal regulations do not list allowable levels for PCB spills, said Ruben McCullers, a toxics specialist for the EPA.

Generally the EPA requires that spills be cleaned up to levels of 2 parts per million, but occasionally has allowed levels as high as 50 parts per million, Mr. McCullers said.

Mr. McCullers said the 1,000square-foot contaminated area. now roped off to the west side of the building does not pose an immediate health threat because access is limited and there is little water rupoff from the site.

He said company officials have submitted a plan for cleaning up the contaminated area.

The firm, which uses a chemical process to clean PCB transformers and salvage the metal in them, was fined \$20,000 last June by the EPA for similar viole

Alleged violations included:

 About 400 drained PCB electrical transformers and 337 and ty 55-gallon drums were s stored in specially designed areas with 6-inch curbs that are supposed to keep PCB-contami-nated liquid from migrating from the area.

D Three wooden crates of PCE debris were stored outside; a curbed area.

 About 150 PCB transformer cores were not stored in the proper containers.

D Curbing surrounding storage and processing area w cracked near the north door o the building.

 About 30 cubic yards of PCB waste were sent to a Chemical Waste Management Inc. plant in Alabama in a dump truck; the should have been contained in \$5 gallon drume.

 About 3,500 pounds of metal supposedly had been cleaned, but still contained traces of PCBs.

 Twenty-five contaminated transformers had been stored for more than a year at the plant before they were moved for disosal, in violation of regulations that stipulate wastes cannot be stored for more than a year.

 The company did not keep adequate records showing when transformers were received and processed.

 Stored material was properly marked.

EPA attorneys and company officials are expected to m and negotiate settlement of the

Dun & Bradstreet, Inc.

BE SURE WAME, BUSINESS AND ADDRESS HATCH YOUR FILE.

ANSWERING INQUIRY

This report has been prepared for:

THE THIS REPORT MAY NOT BE REPRODUCED IN WHOLE OR IN PART IN

FULL REVISION

DUNS: 05-638-8085 CAROLAN, N C CO (INC)

2459 CHARLOTTE AND BRANCH(ES) OR DIVISION(S) KANSAS CITY HO 64108

TEL: 816 421-4737

DATE PRINTED APR 01 1986

WHOL CONVEYOR

SYSTEMS SIC NO. 50 84

SUMMARY RATING

STARTED

1957 SEE BELOW PAYMENTS 72(11 HERE) EMPLOYS MISTORY CLEAR FINANCING SECURED

CHIEF EXECUTIVE: WALTER C CAROLAN JR, PRES

PAYMENTS REPORTED	(Amounts PAYING RECORD	may be	rounded HIGH CREDIT	to neares NOW OWES	t figure PAST DUE	in prescribed SELLING TERMS	ranges) LAST SALE WITHIN
01/86	Ppt Ppt (003)	refused		-0-	-0-		2-3 Nos
10/85 09/85	Ppt Slow (006)	for coli	250 50	250 -0-	-0- -0- 2500		1 No
08/85 07/85 04/85	\$10W 90 (008) (009)	evneries	500 7500 750	-0- 7500 -0-	7500 -0-	N30 N30	6-12 Mos

Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise skipped invoices etc.

Accounts are sometimes placed for collection even though the existence or amoun

of the debt is disputed.

FINANCE 93/07/86

On Mar 7 1986, principals were absent. Karen Mc Alister, assistant to M Carolan, confirmed ownership and operations.

PUBLIC FILINGS

On Jan 8 1986, a suit was filed against W C Carolan Company Inc & Martha C Ros Chemicals Inc by City of Holden, MO in U S District Court (Docket #86-8045-CVW-9) i Kansas City, MO. Cause of action was petition for removal from Johnson Count 03/07/86 District Court.

On Nov 15 1983, a suit was filed against W C Carolan Co, 2459 Charlotte, Kansa City, MO by Reliance Electric Co, 24701 Euclid Ave, Cleveland, OH in Missouri Federa Court Court (Docket #83-1242 DV-W-9) in Kansas City, MO. Cause of action wa non-payment of account. Amount: \$14,947.28 + interest. As of Mar 27 1985, the above

case was still open.

UCC FILINGS 03/07/86

Financing Statement #846505 filed 12-28-81 with Secretary, State of MO. Debtor Carolan, W C Co (Inc), Kansas City, MO. Secured Party: Mercantile Bank & Trust Kansas City, MO. Collateral: specified chattel paper, inventory, equipment, contrac rights including proceeds and products.

The public record items reported above under "PUBLIC FILINGS" and "UCC FILINGS" may have been paid, terminated, vacated or released prior to the date this report was printed.

HISTORY 03/07/86

"ENFORCEMENT SENSOTIVE"

WALTER C CAROLAN JR, PRES

WARREN SIGLER, V PRES

MIKE MEAGHER, SEC-TREAS DIRECTOR(S): THE OFFICER(S)

Incorporated Missouri Jan 30 1957. Authorized capital consists of 3,000 share common stock, \$10 par value.
Business started 1957 by Carolan.

Business started 1957 by Carolan. 100x of capital stock is owned by Carolan CAROLAN born 1932 married. 1954 graduated from Kansas University, Lawrence, K (CONTINUED)

THE REPORT, FURNISHED PURSUANT TO CONTRACT FOR THE EXCLUSIVE USE OF THE SUBSCRIBER AS ONE FACTOR TO CONSIDER IN CONNECTION WITH CREDIT, DISURANCE MARKETING OR OTHER BUSINESS DECISIONS CONTAINS INFORMATION COMPILED FROM SOURCES WHICH DUM & BRADSTREET, INC. DOES NOT CONTROL AND WHOSE INFORMATION UNLESS OTHERWISE INDICATED IN THE REPORT, HAS NOT BEEN VERIFIED IN FURNISHING THIS REPORT, DUM & BRADSTREET INC. IN HO WAY ASSUMES ANY PART OF THE USER'S BUSINESS NOT SOURCES NOT CONTRACTOR COMPLETENESS OR TIMELINESS OF THE INFORMATION PROVIDED, AND SHALL NOT BE LIABLE FOR ANY INCOME.

CAROLAN, W C C KANSAS CITY MO W C CO (IXC) APR 01 1986

Page 2 FULL REVISION

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HISTORY

(Cont'd) as chemical engineer. 1954-56 U.S. Army. Mid 1956 to with Midwest Reserach Institute here. 1957 SIGLER. Entered subject 1977 as office late 1957, chemical engineer became active in subject. officer. Antecedents withheld subject 1976 MEAGHER. Entered 85 officer. Antecedents withheld

OPERATION 03/07/86

Wholesales conveyor systems (100x).

Terms are net 30 days. Number of accounts declined. Brands include Reeves and Webster Manufacturing. Sells to industrial concerns. Territory : Hestern Missouri, Hestern Iowa, Kansas and Nebraska. Nonseasonal.

EMPLOYEES: 72 including officers. 11 employed here. FACILITIES: Owns 16,000 sq. ft. in 2 story brick building in good condition. Premises neat.

LOCATION: Secondary business section on well traveled street BRANCHES: At 500 H Mc Kissack, Holden, MO, rents 132,000 sq. ft. in 1 story

block building SUBSIDIARIES: DUST SUPPRESSION SYSTEMS INC, Kansas City, MO (100%). 1968. Manufactures dust control equipment. Intercompany relations confined to sharing officers. 04-01(364 191 00000 065 H

"ENTOR CEMENT SENSE

Pun & Bradstreet, Inc.

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LATER REPORT FOLLOWING

Compared to the control of the contr

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FULL REVISION

DUNS: 05-638-9802
DUST SUPPRESSION SYSTEMS INC
(SUBSIDIARY OF CAROLAN, W. CO (INC), KANSAS CITY, MO)

2459 CHARLOTTE AND BRANCH(ES) OR DIVISION(S) KANSAS CITY NO 64108 TEL: 816 421-4739

DATE PRINTED APR 01 1986

MFG INDUSTRIAL EQUIP

SIC NOS. 35 69 7 76 99

SUMMARY RATING

STARTED 1965 SEE BELON \$(83,138) PAYMENTS WORTH **EMPLOYS** 10(5 HERE) CLEAR MISTORY FINANCING SECURED CONDITION UNBALANCED TREND DOWN

CHIEF EXECUTIVE: WALTER C CAROLAN JR, PRES

(Amounts may be rounded to nearest figure in prescribed ranges)
AYING HIGH NOW PAST SELLING LAS PAYMENTS HIGH REPORTED PAYING LAST SALE CREDIT RECORD OWES DUE TERMS HITHIN

Ppt-Slow 30 250 12/85 100 50 X7 1 No Payment experiences reflect how bills are met in relation to the terms granted In some instances payment beyond terms can be the result of disputes over merchandise skipped invoices etc.

FINANCE * A FINANCIAL SPREAD SHEET OF COMPARATIVES, RATIOS, AND INDUSTRY AVERAGES * MAY BE AVAILABLE. ORDER A DUNS FINANCIAL PROFILE VIA YOUR DUNSPRINT * TERMINAL OR LOCAL D&B OFFICE

03/27/85

Fiscal Tiscal Max 31 1984 148,929 Mar 31 1983 153,058 Curr Assets Curr Liabs 157,003 Working Capital Other Assets (89,854) (80,074) North (89,854) (83,138)

Fiscal statement dated MAR 31 1984: Cash Accts Pay 157,000 Accts Rec 147,858 Other Curr Liabs

Curr Liabs L.T. Liab-Other CAPITAL STOCK Curr Assets 148,929 157,003 75,063 1,000 RETAINED EARNINGS (84, 138)

Total Assets 148,929 Total 148,929 Statement obtained from Kansas Secretary of State. Extent of audit, if any, not indicated.

On Mar 27 1985, principals were absent.

Debt is heavy in relation to net worth. is down based on comparatives.

PUBLIC FILINGS UCC FILINGS 03/27/85

"ENFORCEMENT SENSITIVE"

tinuation \$1146613 filed 12-1119 \$ 701208 filed 12-119 \$ 701208 Financing Statement Continuation #1146613 filed 12-14-84 with Secretary, State of Continuation original filing # 701208 filed 01-23-80. Debtor: Dust Suppression tems Inc, Kansas City, MO. Secured Party: Country Club Bank, Kansas City, MO. Systems Inc, Kansas City, MO. Collateral: unspecified.

Financing Statement #887686 filed 06-21-82 with Secretary, State of MD. Debtor: Dust Supression Systems Inc, Kansas City, MO. Secured Party: Country Club Bank, 03/27/85 Kansas City, MO. Collateral: specified inventory, accounts receivable and proceeds.

The public record items reported above under "PUBLIC FILINGS" and "UCC FILINGS" may have been paid, terminated, vacated or released prior to the date this report was printed.

BANKING 07/85

Account(s) averages low 5 figures. Account open over 3 years. Loans granted to medium 5 figures on a secured basis. Now owing medium 5 figures. Collateral consists (CONTINUED)

& Bradstreet.

DUST SUPPRESSION SYSTEMS INC KANSAS CITY NO

APR 01 1986

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BANKING

(Cont'd) of accounts receivable. Matures in 1 to 5 years. Borrowing account is as agreed Overall relations are satisfactory.

03/84

Balances average medium four figures. Account opened Jun 1975. Loan(s) extende to low six figures. Now owing high five figures. Secured by accounts receivable an inventory. Payments as agreed. Relations satisfactory.

HISTORY 03/27/85

WALTER C CAROLAN JR, PRES DIRECTOR(S): THE OFFICER(S) JAMES CAROLAN, SEC

Incorporated Missouri Jan 12 1968. Authorized capital consists of 5,000 share: common stock, \$10 par value

Business started 1965 by parent. 100x of capital stock is owned by paren

COMPANY

HALTER CAROLAN JR born 1932 married. 1950-54 graduated from Kansas University Lawrence, KS as chemical engineer. 1954 to 1956 U S Army. Mid 1956 to late 1955 chemical engineer with Midwest Research Institute, Kansas City, MD. In 1957 became active in the parent company.

JAMES CAROLAN born 1959 mingle. 1980 to 1982, student. Active in subject mince 1982 and continues.

OPERATION

Subsidiary of Carolan, H C Co (Inc), Kansas City, MO started 1959 which operate: 03/27/85 wholesaler of conveyor systems. Parent company owns 100% of capital stock. Parent company has 0 other officers and building. 0 other subsidiaries. Intercompany relations: confined to shering

Manufactures dust control equipment (90x) end services the same (10x). Terms net 30. Has 200 accounts. Sells to industrial accounts. Territory *United States.

Nonseasonal

EMPLOYEES: 10 including officers. 5 employed here.

Rents 16,000 sq. ft. in 2 story brick building in good condition. FACILITIES:

Premises neat. LOCATION: Secondary section on well traveled street.

500 W Mc Kissack, Holden, MO, operates as (5) 00000 056388085 065 BRANCHES: manufacturing plant. 04-01(267 065 Country Club Bank, Kansas City, MO

*IN DATEY

DUNS: 00-713-7862 AMERICAN STEEL WORKS (INC) DATE PRINTED APR 07 1986 SUMMARY RATING ---

2459 CHARLOTTE AND BRANCH(ES) OR DIVISION(S) KANSAS CITY MD 64108

TEL: 816 421-4737

MFR STEEL PRODUCTS SIC NO. 34 43 STARTED 1980 PAYMENTS SEE BELOW EMPLOYS 35(15 HERE)

HISTORY CLEAR

CHIEF EXECUTIVE: WALTER CAROLAN, FRES

PAYMENTS REPORTED		rounded HIGH CREDIT	to nearest NOW OWES	figure FAST DUE	in prescribed SELLING TERMS	ranges) LAST SALE WITHIN
	KECOKD	CKEDII	OMES	DUE	IENIIS	MILLIIN
03/86	Ppt	2500	-0-	-0-	N30	6-12 Mos
	Fpt-Slow 60	1000	500	-0-	N30	4-5 Mos
	Ppt-Slow 90	1000	1000	1000	NJO	. 4-5 Mos
	Slow 70		-Q-	-0-		
	(005)			500		•
	Flaced for col	lection.		•		
02/86	fpt	1000	-o-	-0-	N3C	
	Slow 30	500	-0-	-0-	N30	6-12 Mos
01/86	Ppt	25 0	-0-	-0-		. 6-12 Mos
	Ppt	50	-0-	-0-	N30	6-12 Mcs
	Ppt		-0-	-0-		
	Ppt-Slow 60	250	250	250		1 Mo
	Slow 40	1000	1000	1000		
12/85	Fpt-Slow 5	500	500	250		1 Mo
11/85	Disc	100	-0-	-0-	1 15 N30	4-5 Mos
	51ow 70	100	-0-	-0-	N30	
08/85	S1 ow	500	-0-	-0-		
Q7/85	Disc-Slow 240+	100	-0-	-0-	Regular terms	6-12 Mos
06/85	(018)	50	-0-	-0-	4	6-12 Mos
04/85	51 ow 45	50	-0-	-0-	1 10 N30	

Fayment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

Accounts are sometimes placed for collection even though the existence or amount of the debt is disputed.

FINANCE 03/07/86

On Mar 7 1986, principals were absent. karen Mc Alister, assistant to Mr Carolan, confirmed ownership and operations.

BANKING 08/85 Account open over उल्लाहरी. Non borrowing account. Overall

*TNTORCEMENT SENSITIVE"

relations are satisf

IN DATE

DUNS: 04-799-3357 AMERICAN STEEL WORKS (INC) DATE PRINTED APR 07 1986

BRANCH

MFR STEEL PDTS

EMPLOYS 20

500 W MC KISSOCK (FORMERLY: 500 KISSOCK)

SIC NO.

34 43

HOLDEN MO 64040

TEL: 816 732-4117

BRANCH MANAGER: PAT PERRIN

PAYMENTS REPORTED		. may	be round HIG CRED	H	nearest NOW OWES	figure PAST DUE	in prescribed SELLING TERMS	ranges) LAST SALE WITHIN
03/86	Ppt-Slow	60	100	0	500	-0-	N30	4-5 Mos
02/86	Slow 30		50	0	-0-	-0-	N30 °	6-12 Mos
01/86	Ppt				-0-	-0-		
•	Ppt-Slow	60	25	0	250	250		1 Mo
06/85	(005)		5	0	-0-	-0-		6-12 Mos

SPECIAL EVENTS 07/16/85

The correct address is 500 W Mc Kissock.

This is a branch: headquarters are located at 2459 Charlotte, Kansas City, MD. Headquarters D-U-N-S 00-713-7852. This branch manufactures steel products. 04-07(9A0 /44) 065 082

FULL DISPLAY COMPLETE

HISTORY 03/07/86

WALTER CAROLAN, PRES

DIRECTOR(S): THE OFFICER(S)

Incorporated Missouri Dec 1 1924. Authorized capital consists of 3.000 shares common stock, \$100 par value.

Business started 1924. Present control succeeded Aug 1980. 100% of capital stock is owned by W Carolan.

W CAROLAN born 1932 married. 1950 to 1954 attended Kansas University, Lawrence, KS. 1954 to 1956 in the Army. 1956 to 1957 Midwest Research Institute, Kansas City, MO as engineer. Since 1957 active in affiliate.

RELATED CONCERN:

CAROLAN, W C CO (INC), Kansas City, MO, started 1957. Wholesales conveyor systems. Intercompany relations beyond sharing officers and premises declined.

OPERATION 03/07/86

Manufactures steel products (100%) such as tanks and tar kettles. Terms are net 30 days. Has 250 accounts. Sells to industrial accounts. Territory: United States.
Nonseasonal.

EMPLOYEES: 35 including officers. 15 employed here. FACILITIES: Rents 8,000 sq. ft. in 2 story brick building in good condition. Premises neat.

LOCATION: Secondary section on well traveled street.

BRANCHES: 500 W Skissock, Holden. MD, same operations.

04-07(364 /9) 00000 065 -1

FULL DISPLAY COMPLETE

ENTOR CENTENT SENSITIVE

BE SURE NAME, BUSINESS AND ADDRESS MATCH YOUR FILE.

ANSWERING

This report has been prepared for:

in the first contract to the solution of the extension has been contracted by the contract of the contract of

INQUIRY

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CONSOLIDATED REPORT

DUNS: 00-792-2206 ROSE, MARTHA C CHEMICALS INC

2459 CHARLOTTE STREET AND BRANCH(ES) OR DIVISION(S) KANSAS CITY NO 64108 TEL: 816 471-7227

DATE PRINTED APR 01 1986

STORAGE OF CONTAMINATED OIL SIC NO. 42 26

SUMMARY RATING

1982 STARTED SEE BELOW PAYMENTS EMPLOYS 3(1 HERE) HISTORY INCOMPLETE FINANCING SECURED

CHIEF EXECUTIVE: WALTER C CAROLAX, PRES

SPECIAL EVENTS 01/20/86

On Dec 15 1985 a suit was filed by the city of Holden, MO against

Martha C Rose Chemicals Inc in Johnson County District Court,
Warrensburg, MO, case #CV485-551DR.

Case ask for a restraining order and damages for operating a
processing and treatment plant for PCB's in violation of city zoning

On Jan 8 1986 suit was remanded to U S District Court in Kansas City, MO, case #86-0045-CV-W-9.

(Amounts may be rounded to nearest figure in prescribed ranges)
AYING HIGH NOW PAST SELLING . LAS PAYMENTS REPORTED PAYING LAST SALE CREDIT OWES KIRTIK RECORD DUE TERMS

(001) 03/86

Placed for collection. Ppt-Slow 30 500 (003) 2500 12/85 500 100 1 Mo **N7** 2500 07/85 -0--0-

First sale. Cash account

Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise skipped invoices etc.

Accounts are sometimes placed for collection even though the existence or amour of the debt is disputed.

FINANCE 04/15/85

On APR 15 1985 Karen Mc Alister, admin asst, declined all information

PUBLIC FILINGS

UCC FILINGS

Financing Statement Termination \$1242795 filed 09-19-85 with Secretary, State of MO. Termination original filing \$ 0964838 filed 04-20-83. Debtor: Rose, Martha Chemicals Inc, KS City, MO. Secured Party: Mission Bk The, Mission, KS Financing Statement Termination \$1212940 filed 06-24-85 with Secretary, State of MO. Termination original filing \$ 1201072 filed 05-20-85. Debtor: Rose Martha Chemicals Inc, Kansas City, MO. Secured Party: Country Club Bank, Kansas City, MC Financing Statement Termination \$1212941 filed 06-24-85 with Secretary, State of MO. Termination original filing \$ 1201073 filed 05-20-85. Debtor: Rose Martha Chemicals Inc, Kansas City, MO. Secured Party: Country Club Bank, Kansas City, MC Financing Statement \$1201072 filed 05-20-85 with Secretary, State of MO. Debtor Rose Martha C Chemicals Inc, Kansas City, MO. Secured Party: Country Club Bk Kansas City, MO. Collateral: all accounts receivable and proceeds: 12/18/85 09/19/85

09/19/85

08/14/85

Financing Statement \$1201073 filed 05-20-85 with Secretary, State of MO. Debtor Rose Martha C Chemicals Inc, Holden, MO. Secured Party: Country Club Bk, Kansacity, MO. Collateral: all accounts accounts Kansas 08/14/85

City, MO. Collateral: all accounts receivable and proceeds.
Financing Statement #0964838 filed 04-20-83 with Secretary, State of MO. Debtor Martha C Rose Chemicals Inc, Kansas City, MO. Secured Party: The Mission Bank 04/15/85 KS. Collateral: all contract rights, machinery, equipment, inventory accounts receivable and proceeds.

The public record items reported above under "PUBLIC FILINGS"
and "UCC FILINGS" may have been paid, terminated, vecated
or released prior to the date this report was mainted (CONTINUED)

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Bradstreet Inc.

MARTHA C CHEMICALS INC KANSAS CITY MO

APR 01 1986

This report has been prepared for:

MARET BAR BARB TO BE A LECTURAL ROLL.

Page 2 CONSOLIDATED REPORT

THIS REPORT MAY NOT BE REPRODUCED IN WHOLE OR IN PART IN ANY

BANKING 02/86

Account open over 3 years.

RISTORY 04/15/85

WALTER C CAROLAN, PRES DIRECTOR(S): THE OFFICER(S) J I JESPERSEN, V PRES-SEC-TREAS

Incorporated Missouri Jan 14 1982. Authorized capital consists of 30,000 share common stock, \$1 par value.

Business started 1982 by officers. 100% of capital stock is owned by officers

Starting capital is unavailable.

CAROLAN born 1932 married. 1950-54 attended and grad University, Lawrence, KS. 1954-56 Army. 1956-57 engineer Institute locally. Since 1957 with related concern and continues.

JESPERSEN. Details are unavailable. 1950-54 attended and graduated from Kansa 5 Army. 1956-57 engineer with Midwest Researc

RELATED CONCERNS:

M C CAROLAN CO (INC), Kansas City, MG. Started 1957. Wholesales

systems DUST SUPPRESSION SYSTEMS INC, Kansas City, MO. Started 1965. industrial equipment. AMERICAN SEED WALLS INC, Kansas City, MO. Started 1980. Manufactures stee

products. Intercompany relations, if any, declined.

OPERATION 04/15/85

Engaged in storage and treatment of contaminated oil (100x). Terms vary with job. Sells to ut chemical concerns. Territory : Midwest. Sells to utilities, power station concerns, industrial an

Nonseasonal.

EMPLOYEES: 3 including officers. 1 employed here.
FACILITIES: Owns 3,000 sq. ft. in 1 story brick building in good condition LOCATION: Central business section on well traveled street.

intral business Storage and trea 00000 treatment facilities are located at **BRANCHES**: Holden, MO 04-01(2P1 19) 065

Mission State Bank & Trust, Shawnee Mission, KS



SE SURE MAME, BUSINESS AND ADDRESS MATCH YOUR FILE.

INQUIRY

AXSWERING

DUNS: 13-948-6120 ROSE, MARTHA C CHINICALS INC

500 W NC KISSOCK MOLDEN NO 64040 TEL: 816,732-4117

DATE PRINTED NOV 04 1985

STORAGE OF CONTAMINATED OIL SIC NO. 42 26

RATING

BRANCH

IMPLOYS

UNDETERMINED

JIM CAROLAN BRANCH MANAGER:

This is a branch: headquarters are located at 2459 Charlotte St, Kansas City, MC Headquarters D-U-N-S 00-792-2206. This branch reportedly operates as a storagfacility for contaminated oil. 11-04(313 /15)



Rose Chemicals PCB Division

2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

March 19, 1986

United States Environmental Protection Agency Region VII Office of the Regional Council 726 Minnesota Ave. Kansas City, KS 66101

Attn: David Tripp, Attorney

Gentlemen:

Rose Chemicals has tenatively agreed to allow Environmental Technology Incorporated of Buffalo, New York to arrange for complete disposal services for PCB materials currently stored for disposal in our Holden facility.

In addition to arranging for disposal, ETI will assist in the requirements for labor and manifesting, so that a timely, efficient phase out will be completed.

I have reviewed their qualifications, and experience in this industry, and I feel they are well suited to provide the expertise this project requires.

Sincerely,

Walter C. Carolan

President

WCC/tls

REC'D

MAR . : 1566

REGION VII

ENVIRONMENTAL TECHNOLOGY, INC.

84 Sweeney Street N. Tonawanda, New York 14120

> BUSINESS PLAN 1986

Prepared By

Philip E. Badame

AN INTRODUCTION TO THE INDUSTRY

The term "nazardous waste" typically conjures up images of bubbling liquids, acrid fumes, and environmental disasters. Actually, the most hazardous wastes are neither so dramatic nor obvious in degree of danger they pose.

Hazardous wastes are usually defined in technical terms in the various pieces of legislation that regulate their handling, storage, transportation, and disposal. Most regulations address the hazardous properties or constituents of the wastes.

In our discussions, we shall refer to hazardous wastes as those wastes covered by two landmark Federal acts: The Resource Conservation and Recovery Act (RCRA) and The Toxic Substance Control Act (TSCA). These wastes may pose immediate exposure risks to personnel or property due to such characteristics as flammability, toxicity, or corrosivity. They may also pose a long term threat to man or his environment through gradually harmful effects, which are most often undetectable to the senses.

Improper disposal of hazardous waste is a problem of major concern in the United States as well as in most foreign nations today. It was not until recently that this immense problem has gained public attention, although it is a direct result of decades of negligent disposal practices, the lack of sufficient technologies, and the failure of industry and government to exercise good judgment or foresight by allowing poor disposal practices to prevail.

In response to this problem, a new industry has emerged which offers many exciting challenges and tremendous financial opportunities. The rate at which the hazardous waste management industry has grown is phenomenal. In the first ten years, the sales volume for the disposal of hazardous waste has exceeded 2.6 billion dollars on an annual basis. Experts predict that, by 1995, annual sales will be in the range of 40 to 60 billion dollars.

Hazardous waste disposal is only one of may fields which have developed from this diverse industry. There are also numerous interrelated environmental services which have arisen of necessity including analytical testing, permit administration, environmental engineering, process development, design, training, and transportation. The continued growth and profitability in this industry are assured by the introduction of strong Federal legislation. RCRA requires industry to handle its current hazardous waste in an environmentally responsible manner. Meanwhile, the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) requires industry to clean up, or finance the cleanup, of previous improper waste disposals. This is a direct result of industry and the government working together in a joint effort to correct past mistakes and, at the same time, develop new and more advanced technologies in order to improve our future quality of life.

Environmental Technology, Inc. (ETI) has entered this new multi-billion dollar industry and has accepted the important and exciting challenge of protecting public health and the environment through the proper management and control of toxic wastes. ETI responds to these challenges every day, working to find the solutions to complex waste problems, and to preserve the proper balance between our quality of life, industry's needs, and a clean and healthy environment.

Corporate Structure

Environmental Technology, Inc. was incorporated in March of 1984 under the laws of the State of New York, and in July of 1985 under the laws of the State of Delaware.

The Officers

Philip E. Badame	President
Kenneth J. Kulinowski	
Steven R. Kay	
John F. Papsidero	

Departments

Ronald Prohaska	.Manager-Operations
Gerald Baryza	.Asst. Manager-Operations
Jane Ahlas	.Manager-Office Operations
Susan C. Eliah	.Manager-Technical Services
	.Environmental Consultant-Groundwater
	.Environmental Consultant-Asbestos
James L. Margolin	
Michael Brady	
Thomas B. Wolstoneroft	
Gloria J. Crockett	

COMPANY SERVICES

Environmental Technology, Inc. utilizes both in-house and subcontracted capabilities to offer industry and the government a full range of services and expertise in the treatment, processing, and disposal of chemical and hazardous waste. The basic services currently offered by Environmental Technology, Inc. follows.

Environmental Consultation

ETI personnel follow a logical progression to determine a generator's individual requirements. After an initial site visit, ETI develops a comprehensive proposal outlining the quantity, quality, and character of each waste generated along with the solutions to each problem. Each proposal includes a detailed physical description of the site, the volume, chemical and physical properties of the material, and a description of the existing storage, handling, treatment, and disposal practices available. After carefully evaluating this information, ETI will provide recommendations for those actions necessary to bring a generator into compliance with the regulations.

Environmental Technology, Inc. provides consulting services to industry and government for such purposes as developing a sound waste management plan, determining the nature of specific hazardous wastes, providing environmental compliance information and technical assistance.

Field Services

ETI provides complete services necessary to investigate and clean up industrial pits, ponds, lagoons, and underground storage tanks. ETI offers complete on-site assistance in the collection, evaluation, and packaging of a generator's hazardous waste. Proper labeling and suggested storage techniques are provided as well as sampling and analysis in order to determine and recommend the proper methods for treatment and disposal.

Groundwater Investigations

ETI in conjunction with Bowser Morner Co., Inc. can provide complete groundwater investigation contractor services throughout the continental United States. These services include soil sampling, rock coring, monitoring well installation, large and small diameter rock holes, and wells up to 24" diameter. Experienced personnel and diversified equipment allow work to be completed on such jobs as landfills, factories, LUST (Leaking Underground Storage Tank) sites, recovery projects, and groundwater studies.

Waste Site Remodial Action

ETI will investigate waste sites and determine those services required to properly remediate the area. ETI will then provide excavation, drum staging, waste characterization and waste removal.

On-Site Laboratory Services

Waste Characterization can be provided by on-site laboratory equipment and personnel. Approved and accepted test methods will be utilized to determine preliminary waste data. Laboratory equipment can be altered or exchanged to complete an indepth analysis on each waste.

Transformer Decommissioning and Retrofill

ETI will prepare each unit for transport to the disposal facility.

Preparation will include draining or sealing of the unit as required. ETI will load the unit onto the transport vehicle and supervise the securement.

ETI will provide the service of retrofilling PCB units, and provide proper replacement fluid. ETI will manage disposal of the drained PCB fluid as part of our services.

Chemical Laboratory Clean-Up

ETI will inventory stored chemicals and properly package unused or out of date materials to ready them for disposal. Inventory lists will be kept according to disposer guidelines and disposal will be coordinated through ETI.



Project Management

ETI will provide professional construction management personnel to oversee and manage project utilizing the individual capabilities of industry leaders in such areas as Health and Safety, Analytical, Excavation, Decontamination, Transportation and Disposal. ETI will assist these industry leaders to effect a professional and cost effective clean-up.

Asbestos Removal and Incapsulation

ETI can provide safe removal or incapsulation of asbestos insulation or ceiling tiles that were utilized in many older building structures. Throughout the course of the project, air monitoring is provided. Post-removal or incapsulation air quality is performed as part of our service.

Off-Shore Remedial Recovery

ETI is also available to provide experienced personnel for off-shore oil spill containment and clean up including necessary boats, booms, absorbent materials as prime contractor or sub-contractor.

Transportation and Heavy Equipment

ETI has entered into agreements with several heavy equipment contractors and hazardous transporters, each a specialist in its field. Price Trucking Corp. and Buffalo Fuel Corporation are the most substantial of the transporters. As a result, ETI can muster a fleet of trucks, including flat beds, dump, rolloff, and box trailers in a matter of a few hours. Similarly, through qualified heavy equipment companies, ETI can provide specialized equipment such as vacuum tankers, PCB dedicated tankers, super suckers, backhoes, forklifts, cranes, dredges, belly scrapers, drag lines, barges, dozers, and front end loaders.

Disposal Services Available Through ETI

Environmental Technology, Inc. has disposal agreements with many disposal facilities allowing ETI to use their incinerators, liquid treatment facilities or secure chemical landfills. These facilities are each fully permitted and are operated in strict compliance with health, safety, and environmental standards and with appropriate permits from Federal and State authorities. With more stringent Federal regulations pending, the sites selected for contract use are those ETI considers to have the technical and financial capability, and commitment to compliance. These criteria are most important in ETI's site selection process. Some of these permitted facilities and their capabilities are:

1. Frontier Chemical Waste Services Niagara Falls, NY NYD043815705 (Fucl Blending, Treatment)

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- 2. SCA Chemical Services Model City, NY NYD049836679 (Secure Landfill, Treatment, Storage/Transfer, Fuel Blending)
- 3. SCA Chemical Services Newark, NJ NJDUS9216790 (Treatment)
- 4. CECOS International Niagara Falls, NY NYD080336241 (Landfill/Treatment)
- 5. CECOS International Williamsburg, Ohio OHDO87433744
- 6. Modern Disposal Youngstown, NY
 NYD051E17682 (RCRA Non-hazardous Waste)
- 7. Nelson Industrial Services Detroit, MI MID098011992 (Reactive Waste)
- 8. Fondessy Toledo, OH PAD950554893 (Secure Landfill)
- 9. Wayne Disposal Wyandotte, MI MID09663194 (Secure Landfill)
- 10. GSX Pinewood, SC SCD070375985 (Secure Landfill)
- 11. SCA Chemical Services Chicago, IL IL000672121 (Incineration)
- 12. SCA Chemical Services Ft. Wayne, IN IND078911146 (Secure Landfill)
- 13. Norlite, NY Cohoes, NY
 NYD030469935 (Low Grade Fuel Blending)
- 14. Clean Harbors Braintree, MA (Solvent Recovery)
- 15. <u>Waste Conversion</u> Hatfield, PA PAD085090592
- 16. Modern Disposal Inc. Model City, NY NYD051817682

ENFORGENENT SENSITIVE"

Transportation:

- 1. Buffalo Fuel Corporation Niagara Falls, NY NYD051809952 (Hazardous Waste Transport) NYS9A-098
- 2. Price Trucking Corp. Buffalo, NY
 NYD046705574 (Hazardous Waste Transport)
 NYS9A-025
- 3. Tonawanda Tank Transport Tonawanda, NY NYT09764480
- 4. DART Trucking Canfield, Ohio OHD009805825
- 5. Delvecchio Sanitation Disposal Service, Inc. Dunmore, PA PAD980714604

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Strengths

Environmental Technology, Inc. has been able to place itself in a very strategic position within today's market for many reasons. To assess the strengths of ETI, the following must be considered:

The Management of ETI constantly seeks to keep abreast of the latest changes in Federal, State, and local regulations. On-site personnel maintain a close liaison with the Federal and State agencies in order to be advised of any new regulations or changes in existing regulations.

The management personnel of ETI have worked for years in the hazardous waste industry and have had constant exposure to the pioneers in the industry and they are, themselves, considered to be members of this group. ETI uses many sites for the disposal of hazardous waste depending on the requirement for incineration or secure chemical landfill. We can choose the most advantageous solution because we are not limited by the requirement to use only those facilities which we own. We do not have to support high overhead, the cost of constructing and operating landfills, or filling the capacities of expensive incinerators.

ETI can offer the latest technology available by contracting time usage of another company's equipment. We are not saddled with the obligation to pay off expensive equipment and real property investments. We can offer state-of-the-art technology by using sales and marketing as tools for assessing the ever-changing methods for disposal.

The Company's low overhead and system of subcontracting offers a definite advantage over competition, as we only pay for field service personnel when they are actually performing on the job site. This allows ETI to work on may projects simultaneously.

Weaknesses

While the strengths of ETI are impressive, the Company is not without weaknesses. Although none are considered to be critical, management has definite plans to eliminate these as soon as possible. The major weaknesses are outlined below:

ETI presently operates only one sales office which is located in Buffalo, NY. This somewhat restricts the effectiveness of the company's marketing efforts and to a certain extent limits the company's ability to service generators in other parts of the country. The Management recognizes the need for the placement of sales offices in strategic cities in order to attack these markets effectively. As previously discussed, ETI will open several sales offices in the next 18 months. These new offices, coupled with the extensive broker network, will secure for ETI a substantial position in the industry.

ETI does not operate its own laboratory for testing waste samples. As a result, ETI must use the contracted services of existing laboratories. The use of these outside labs is expensive and often incurs extensive delays. ETI plans to establish an in-house testing laboratory for its own use and will also contract to do lab analysis work for the broker network. The initial cost of the equipment required for the lab is relatively insignificant when one considers the profits that can be generated and the savings that can be realized from such an operation. The development of ETI's laboratory is scheduled for mid-1986.

GNAME PROPERTY OF CONTRACT AND A PARTY OF A SECOND

Since ETI is a new company, it does not have and extensive record of previous service. In order to create the desired impact on the market, ETI will make extensive use of brochures and other printed materials. ETI will place very heavy emphasis on its superior quality of service, the ability to use many disposal facilities, lower costs, and the experience and education of its management. The personal contacts that each member of the management team has in the waste industry spans the nation and will quickly overcome the problem of being labeled as the "new kid on the block." A mass mailing is planned prior to May 31, 1985, which will announce to the marketplace that Environmental Technology, Inc. has arrived. This brochure will introduce the management team and outline the services offered by the Company.

The hazardous waste business is essentially a service-oriented business and is highly dependent on the quality of the people it employs. If ETI cannot attract experienced personnel, this will be very detrimental to the future growth of the Company. While ETI is establishing itself as an aggressive, innovative, and growth oriented company, the management will continually be recruiting new personnel of the highest quality. The concepts under which the Company will operate should attract many of the top people in the industry as will the opportunity to become associated with the management of ETI.

Outside Business Factors

Environmental Technology, Inc. has entered the field of hazardous waste management at a time when the market conditions are ideal. The impact of the Superfund legislation is forcing industry to face its problems and to solve these problems in a professional way. If Superfund is used to clean up a site, the costs associated, as well as the fines imposed by the EPA, are extensive. As a result, industry is searching for companies to assist in the cleanup of their waste problems before they receive the heavy fines and incur legal problems.

Environmental Technology, Inc. is looking forward to a strong and rapid growth in this area due to its diversity and flexibility, and the ability of the Company to satisfy the requirements of the market it serves. ETI is in the right place, at the right time, and with the right service.

The plan for the success of Environmental Technology, Inc. is simply to provide the best hazardous waste service and technology available to the government and industry at a time when they really need it. In order for the Company to be a success, it must formulate and follow a plan which takes advantage of the Company's strengths and at the same time minimizes the effect of its weaknesses.

The Goals of ETI

The following five goals have been established for 1986:

- 1. to expand the Company's marketing efforts
- 2. to secure contracts with additional disposal facilities
- 3. to establish an extensive broker network
- 4. to explore new areas of endeavor for our technology
- 5. to develop new technology for use in the industry.

ENVIRONMENTAL TECHNOLOGY, INC. CUSTOMER REFERENCE LIST

Union Carbide Corporation-Linde Division Richard Weimer Environmental Conservation Coordinator East Park Dr. & Woodard Ave. Tonawanda, NY (716)879-2211 Packaged Lab Chemical Removal

General Electric Corp.
Barry N. York, Facilities Engineer
Apparatus and Engineering Services
Schenectady, NY (518)385-0545

PCB Transport and Disposal Westinghouse Electric Corp. Joseph Levine, Manager of Corporate Pittsburgh, PA (412)642-3975 Numerous PCB projects

BASF Wyndottc Walter Bruner, Env. Engineer 33 Riverside Drive Rensselaer (Albany), NY (518)465-4511 Ongoing business and projects

Westinghouse Electric Corp. Jack Kaylor Ellicott Square Bldg. Buffalo, NY (716)846-4743 PCB projects

SLC/Consultants/Constructors, Inc. Gary Catlin, Engineer Lockport, NY (716)433-0776 Numerous projects

Westinghouse Electric Corp.
Ralph E. Bossert, Works Engineer
4454 Genesee St.
Cheektowaga, NY 14225 (716)631-2638
Six major projects and ongoing business

Columbia County EMC Roland Vosburgh 414 Union St. Hudson, NY 12534 (518)828-3375 Pesticide cleanup

"TITOR CEMENT SENSIIIVE"

Westinghouse Electric Corp.
John Jansen
4030 New Court Rd.
Syracuse, NY 13206 (315)437-2279
Major PCB work

Westvaco Corporation Fine Papers Division Vernon Beacham, Electrical Department Luke, MD (301)359-3311 PCB transformer decontamination and disposal, and hazardous material disposal

Defense Logistics Agency
Defense Property Disposal Service
Ron Wagner, Contracting Officer
(616)962-6511

PCB transformer and capacitor removal
and disposal contracts DLA200-84-D-0036,
DLA200-84-D-0054

PPG Industries, Inc. Jerry Osheka, Environmental Engineer Pittsburgh, PA (412)434-2872 Mercury contamination

Allied Chemical Corp.
Al Lebuz, Environmental Engineer Solvay, NY (315)487-4078
Various projects

SCA Chemical Services
Daniel K. Moon, General Manager
5 Middlesex Avenue
Somerville, MA (617)623-5680
Various project collaboration

IBM Corporation
James Franklin, Environmental Engineer
1701 North St., Dept. 615
Endicott, NY 13760 (607)755-7371



2459 Charlotte Stree: Kensas City, Missouri 64108 (816) 471-7227

October 11, 1983

Mr. Morris Kay
Regional Administrator
U.S. Environmental Protection Agency
Region VII
324 E. Eleventh Street
Kansas City, Missouri 64108

Attention: Mr. Marvin Frye

Subject: Spill Report

Dear Sir;

On October 7, 1983, around 9:30 A.M., a spill of PCB contaminated mineral oil dielectric fluid occurred in the parking lot of Martha C. Rose Chemicals, Inc.

Approximately 300 to 350 gallons of oil was released onto the graveled surface of the parking lot. The spill was caused by a faulty valve located at our shipping and receiving area. Due to a quick response of our PCB personnel, the valve was repaired and the PCB oil contained by a berm of absorbent material.

An area approximately 15 feet by 60 feet was contaminated. Due to the hard packed parking lot surface, penetration of the oil was minimal. Approximately 482 cubic feet of contaminated dirt, gravel, and absorbent material was placed in containers for landfill per 40 CFR 761.60. Clean up was completed on October 7, 1983, by 6:00 P.M.

The contamination level of the mineral oil has been determined by laboratory analysis (Martha C. Rose Chemicals, Inc.) to be 97 PPM of aroclor 1260. A copy of the analytical report is enclosed.

Soil samples of the spill area were taken after clean up and analytical reports indicate no residual PCB contamination. Copies of these analytical reports are enclosed.

It is the contention of Martha C. Rose Chemicals, Inc., that all PCB material released to the environment was contained and removed from the environment and that no permanent environmental contamination exists from this incident.

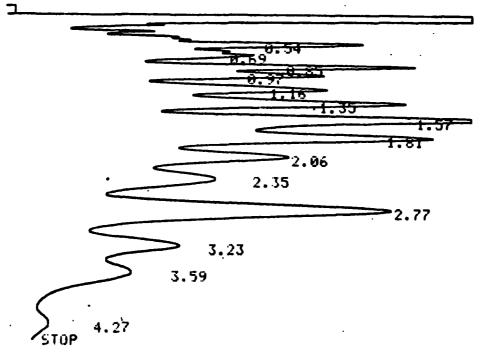
Attached to this letter is a copy of the analytical report of the PCB material involved.

Sincerely,

Dwight E. Thomas, Jr.

DET/lar Enclosures

LEVEL -6 LEVEL -4.2 LEVEL 0.8 DST 4 ATT 128 4UL START 10.05.16.36.



C-R1B SMPL #* 00 FILE # 5 REPT # 2399 METHOD 1044

, #	NAME	TIME	CONC	MK	HEIGHT
1		0.54	5.7767		336
1		0.69	3.0778	•	179
1 .		0.85	10.117		589
1		0.97	6.8372	٧	398
1		1.16	7.1378	Ý	416
1		1.35	10.2177	Ý	595
1		1.57	14.1309	Ÿ	823
1.		1.81	11.6337	Ý	678
1.		2.06	6.4394	٧	375
1		2.35	3.9616	Ý	239
1		2.77	10.9517	-	638
1		3.23	3.7859		220
1		3.59	2.6637	٧	155
1		4.27	0.5218	•	30
	TOT	'AL	97.2535		5668

LEVEL -1 0515 •ATT1024 4UL START 10.11.14.33.

> 8.33 8.79

STUP

C-R1B SMPL # 00 FILE # 1 REPT # 2664 METHOD 1044

#	NAME TIME	CONC MK	HEIGHT
1.	0.5 4	4.4783	15
1	0.65	11.3465	40
1	0.79	3.0549	10
	TOTAL	18.8798	66

SIMON

TITORCEMENT SENSITIVE"

TEVEL -1.2
LEVEL 1.4
LEVEL -0.4

DIRT 1
ATT128 4UL
START 10.11.15.27.

C-R18 SMPL # 00 FILE # 5 REPT # 2668 METHOD 1044

I STOP

NAME TIME CONC MK HEIGHT TOTAL 0 0

LEYEL 0.4 DIRT 3 ATT128 4UL START 10.11.15.37.

STOP

C-R18
SMPL # 60
FILE # 5
REPT # 2670
METHOD 1044

NAME TIME CONC. MK HEIGHT O

TORCEMENT SENSITIVE"

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LEVEL -11.8

LEVEL -12

LEVEL -12.2

LEVEL -3.2

LEVEL -0.8

DIRT 2

ATT128 4UL

START 10.11.15.32.
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E TOTAL TENTANG BODY OF BUILDING

· STOP

C-R1B
SMPL # 80
FILE # 5
PEPT # 2669
METHOD 1044

NAME TIME CONC MK HEIGHT TOTAL 0 0

CLASSIFIED

LEYEL -4 LEYEL -4.2 LEYEL -0.2 DIRT 4 ATT128 4UL START 10.11.15.43.

0.73

STOP

C-R1B SMPL # 00 FILE # 5 REPT # 2671 METHOD 1044

NAME TIME CONC MK HEIGHT TOTAL 0 0

ENEOR CENTER SENSITER



March 13, 1984

IISSOURI DEPARTMENT OF NATURAL RESOURCES

Mr. Marvin Frye Toxics and Pesticides Branch **EPA Region VII** 324 E. 11th St. 64106 Kansas City, MO

Dear Mr. Frye:

Enclosed is information obtained from the Missouri Highway Patrol concerning a chemical accident on October 12, 1983 at Carolan Industries, located in Holden, Missouri. The voluntary statements also detail possible illegal transportation and disposal of PCB contaminated oil. The companies involved are either Carolan Company, Rose Chemical Company, or American Steel-all sister companies under common ownership. Keith Schardein, Laboratory Services Program, has already discussed the Highway Patrol information with you. This is the information he promised to send you.

The Missouri Department of Natural Resources is deferring the lead on this site to the EPA, since the EPA Toxics and Pesticides Branch has already inspected Rose Chemical and is preparing legal action against them. If we can be of assistance at a later point in the investigation, please let us know. In the meantime, we would appreciate being kept informed about the investigation.

Sincerely,

R. Stan Jorgensen Chief of Enforcement/Superfund Section Waste Management Program

RSJ/JS/bki

Enclosure

RECEIVED

MAR 19 1984

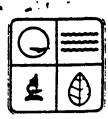
AIR AND WASTE CUMPLIANCE **BRANCH**

Christopher S. Bond Govern Fred A Lafser Director

ENFORCEMENT

Division of Environmental Quality Robert J. Schreiber Jr., P.E. Director





MEMORANDUM

Date:

5 March 1984

To:

Stan Jorgensen, Waste Management Program

From:

Keith Schardeit Laboratory Services Program

Subject:

Carolan Company

Attached is the Highway Patrol report we discussed Friday. Some of the information in the signed statements may or may not be new leads on illegal disposal from either Carolan Company, Rose Chemical Company or American Steel - all sister companies under common ownership.

EPA, Toxics and Pesticides Branch has inspected Rose Chemical and according to Marvin Frye, are preparing legal action for violations found. I told Marvin we would send him a copy of the Righway Patrol information. I suggest you do that Tather than me to allow you to decide who will take the lead.

KS:11j

Attachment

"ENFOR CEMENJĘ ŞĒŇSITIVE"

Christopher S. Bond Governor Fred A. Lafser Director

Division of Environmental Quality Robert J. Schreiber Jr., P.E. Director



MAR 0 5 1984

Christopher S. Bond Governor

W4511 MALLAGEMENT DO. Edward D. Danie

Director



DEPARTMENT OF PUBLIC SAFETY MISSOURI STATE HIGHWAY PATROL

H. J. Hoffman, Superintendent

1510 East Dim Street Malling Address: Doz 568 Jefferson City, Missouri 65102 Telephone 314-751-3313

February 24, 1984

Mr. Fred Lafser Department of Natural Resources 1915 southridge Plaza Jefferson City, Missouri 65101

Dear Fred:

The attached reports, concerning a possible problem in Holden, Missouri, were just brought to my attention and I am forwarding them for your information. You are probably aware of this situation but wanted you to have what information we have.

If I can be of assistance to you, please let me know.

Sincerely,

Superintendent

enc

_£		- INVESTIG	ATION REPORT		
~ '				CHECK	EPORT 1-18-84
SUBJECT _	Hazardous Waste In	vestigation, Holde	n, Johnson Cou	Inty VAULT	INVOLVED
VICTIM	See statement of f	acts		·	
COMP: AINA	NAME NT (IF OTHER THAN VICT)	. AGE M) See attached st	atements	DORESS	TELEPHONE N
	E OF OCCURRENCE See S				arolan Industries
	SINESS Hazardous was				
BURGLARY	METHOD OF ENTRY (TO BUILDINGL			
IF SAFE IN	UCLVED (METHOD USED)			<u> </u>	
CHECKS	ESCRIBE CHECK: CHEC	PROTECTOR	TYPEWRITTEN	HAND PRINTED	WRITTEN
PERSONALI	ED PAYROLL	BUSINESS	_ UNIVERSAL	OTHER	
BANK DRAW	N ON			DATE	OF CHECK
PAYABLE T	0		СНЕС	K NUMBER	AMOUNT
SIGNATURE	<u> </u>		ENDORSEMENT_		
POENTIFICA	TION USED		CASHED BY	Y	
MHA CHECK	DECLARED FRAUDULENT	BY BANK			
VEHICLE US	ED (DESCRIBE FULLY)				
		PERSONS ARREST	ED - WANTED (ST	RIKE OUT WORD NOT	ARRI ICARI EL

STATEMENT OF FACTS (CONTINUE ON REVERSE SIDE)

NAME, ADDRESS

1. On January 18, 1984, at 10:45 a.m., I was contacted at Holden, Missouri by Sherry L. Kane, age 36, of Holden, Missouri. Mrs. Kane works as a Emergency Medical Technician for the Holden Ambulance Service and, on October 12, 1983 at 2:30 p.m., responded to a call at Carolan Industries, located on the north side of M-58 at Niagara Street in Holden, Missouri. Mrs. Kane's attached written statement indicates that an employee of Carolan Industries had fallen into a storage tank. When they arrived he was in a comatose state. The life flight helicopter transported the man, Terry Bryant, to St. Joseph Hospital in Kansas City, Missouri.

AGE

HT.

EYES

HAIR

TROOP OR PD#

EXTRA.

COLOR

- 2. After the rescue, those persons who were involved began to suffer various physical problems. Most common was a burning sensation of their skin and nose. They were concerned about what chemicals might have been present in the tank, and upon inquiring were told it was gasoline.
- 3. Mrs. Kane and others felt that hazardous chemicals were present. After being unable to obtain satisfactory information from Carolan Industries they began to interview people who they felt had direct knowledge of Carolan Industries, their operating procedures, and the hazards associated therewith. Attached are several written statements, copies of which were given to me by Mrs. Kane. The statements were made by the following persons: Sherry L. Kane, age 36, Holden; Jim Snare: Cary Paul Holms Jr., age 22, Holden; Kenny Stevens,

	, am not under arrest for, mer am I being defained for any c
affenses concerning the events I am about to make known to	THE PROPER AUTHORITIES
Without being accused of or questioned about any criminal offens	ses regarding the facts I am about to state, I volunteer the following infor
I my own free will, for whatever purposes it may serve.	
am 36 years of age, and I live at	
	setely 14:30 Deputy Sheriff Barold Fisher and my
['' '' '' '' '' '' '' '' '' '' '' '' ''	rold drew my attention to the Carolan Co. where
	Harold said he wondered what was going on over
	ident or a chemical spill. I immediately jumped
	to see if I could see enything. I smelled an un-
usual odor- it reminded me of acid- it be	urnt your nose. I came back in and told Harold a
be went outside and came back in and state	ted he could smell something and also thought sor
기가 작은 경에 되었습니다면 모양하셨다면 이제 10일 개인 기사이다.	paged by Central Dispatch at 16:34 and told to go
	been an accident and a man had fallen into a tar
	o the plant to check things out and to go abacd o
dispatch Mike Gudde and Janet Stotz to g	o get the ambulance. Harold and I went directly
to the plant Upon arrival we saw a to	rkiitt in the west doorway with a rope leading f.
-it to the ceiling of the building where	It ren through a block and tackle and down in the
. A large storage tank approximately 16' b	igh and 10 around On top of the tank were two
men and on the floor by the forklift wer	e three men. I asked the men on top of the tank
· where the individual that was injured wa	s and they told me that he was down inside of th
tank and they couldn't get him out. I a	sked them how long the man had been inside and t
told me he had been in there for about 5	min. I asked them what was in the tank and the
_ said old gasoline . I saked them if the	w knew the persons name who was down in the tan
and they said Terry Bryant. They wanted	me to climb up the ladder and so down into the
	lance had been notified. They said they needed
axygen right now to help the person down	in the tank. I rurned around to Harold and han
요하게 되는 것이 하면 하셨다면서 그래면 하는 것이 되었다면 하는 것이 되었다면 하는 것이 되었다면 하는 것이다.	And to go get it. He left and the men on top of the
	doing anything and would not come up the ladder
	that everyone had been potified and that until To
- showed up there was nothing I could de !	by eyealf. I also would not go up the ladder bec
I have read each page of this statement, consisting of	page(s), each page of which bears my signature, and corrections, if a
my initials, and I certify that the facts contained herein a certify	A 1 1 1/4 3
Deted at 11:20 Am	Aghis of day of Well.
WITNESS	
WITHER	Signature of person giving voluntary statement.

am not under arrest for, nor am I being detained for any c

THE PROPER AUTHORITIES
ases concerning the events I am about to make known to THE PROPER AUTHORITIES athout being arcused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following infor
my own free will, for whatever purposes it may serve.
the tank was tipped back on some wooden beams and it looked very unstable. Cheif of Polic
Ron Flippin arrived and asked me what was going on and I told him a man was down in a tank
with old gasoline and had been down for about 6-7min. He climbed up the ladder to : see with the man was at and how big the opening to the tank was. He stayed up on the ladder until
and ambulance arrived. In the meantime, people from the plant kept coming in the building
and two men came running with a tank (orange-yellowin color) laid it down infront of the
gas tank where there was a 310 pine at the botton of the tank. He opened it up and let it blow into the bottom of the tank. He seemed upset at the fact that this was the last bott
of compresses air that they had. The men at the top of the tank kept yelling tor exygen.
Someone went and got the bottle of oxygen of the ambulance and opened it up and started To
into the bottom of the tank. I turned the bottle of oxygen off because of the danger of
ignition of the contents inside of the tank. Fire fighters Mike Drouge and William Birch.
climbed up the ladder to rescue the individual in the tank. Mike Droege had on his bunker
pants and rubber boots and William Birch had on only a self contained breathing appratus.
Mr. Birch had to be lowered into the tank without his breathing appratus because the open:
was too small about 2' feet in dismeter. His breathing device was lowered with him into
tank he only had the face make on. Terry Bryant was brought up with a rope tied around he
'upper torso; he was covered with a brown slimy looking substance he was commtose and his
looked very swollen. He was lowered to the floor and was put on the cot. The firemen st.
hosing him down while we worked with him. I washed his face and hair off with sterile was
and oxygen was administered with a demand valve mask. Water was continually poured on Te
•
while we got his contaminated clothes off. Everyone working on Terry was throughly satur-
with water and the same substance but at that time our only concern was for the boys saf
I went out to the ambulance to put in a call for Lifeflight out of St. Joseph Bospital th
Central dispatch. Several minutes Central came back to me and said Lifeflight had been n
but they did not have a ETA at that time. I told Central to keep me posted and let me kn
have read each page of this statement consisting of page(s), each page of which bears my wighature, and corrections, if any unitials, and I certify that the facts contained herein acotropiand correct
Sales // 20 Am "ENFORCEMENT SENSITIVEZ/ (/h/
WITNESS.

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ases concerning the events I am about to make known in THE PROPER AUTHORITIES
.thout being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following info
l my own free will, for whatever purposes it may serve.
am 36 years of age, and I live at
the minute they had an ETA. Several minutes lapsed before I was given an ETA of 15 minutes
Water was continually poured over Terry Bryant. The decision was made to transport Terry
and meet Lifeflight at Highway's 131 North and 50. Six people were in the ambulance with
Terry. Karla claiborne, Janet Stotz, Glen Hite, Ron Flippin, Mike Gudde and myself.were
the ambulance. Hike Gudde was the driver and the other five persons were in the back to
attend Terry. It took four people to hold Terry down while I continued to pour liquid or
him. We had to get the restraints out and put them on Terry because he had become very
bative; He was acreaming in pain and kept trying to get up and away from us. I don't th
.at anytime Terry was ever aware of what was being done to help him. At 15:10 Lifeflight
touched down in a grassy field immediately north of junction highway 131 and 50. There
three people in the helicopter: the pilot; a nurse and another man. When we went to tra
Terry from our ambulance cot to Lifeflight's cot he wanted to roll over on his stomach-
he did, we noticed that his entire back looked like a piece of raw steak (all the skin
back had peeled off exposing the epidermis).
After Lifeflight had lifted off with Terry and it's crew all of us started walking
to the ambulance and fire trucks. My lips felt very dry and were burning and thought ma
they had become chapped so I licked them and they started burning even worse than before
I asked everyone there if there was some sterile water left: Janet Stotz went to the amb
and brought back a half used bottle of sterile water. I took a mouthful and rinsed my m
out and spit it out. About two minutes later my face started getting a very warm sensat
and started burning everyone stated it became very red I also felt my tongue tingling it
numb. We got in our vehicles and headed into town. Harold Fisher got in his own vehicl
and went home. When we got back to the firestation everyone started complaining of havi
a burning on different parts of their bodies. Some of us started washing our equipment
we noticed that the water made us start burning even worse that before. Some ot us star
feeling a little ill. It was at this point we started thinking that maybe the substance

have read each page of this statement consisting of _____ page(a), each page of which hears my sighature, and corrections; if a sy initials, and I certify that the facts contained hereig are true and correct,

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Signature of person giving voluntary statement.

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shout being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following infor
my own free will, for whatever purposes it may serve.
am 36 years of sige, and I live at
we had on our selves was starting to react on us like it had on Terry although not as stro
We went over to Dr. Doss's medical office because he was one of our medical directors to
if he had any suggestions as to what we had on our selves that would make our skin burn li
is did and why puting water on it made it burn more. He said that he used to haul petrole
products on a tanker and that what we had on ourselves smelled simular to that; however h
made a coment that this substance had a very unusual odor with it and he did not recognize
it. He called down to the Carolan Co. to see if there was anything besides old gasoline.
He was told that was all that was in the tank. Harold Fisher, Kon Flippin and Glen Hite
headed down to the Carolan Co. to see if they could get a sample or an explanation of jus
what exactly was in the tank that Terry had been in. They came back without any answers o
ie concerning this substance. Dr. Doss suggested that we go to Bruce Bullard (pharmaciat)
Ret some silvidine creme a preparation for burns. We did so. When we arrived at Bruce's
store, he said he wanted to try some different agents to try to reduce the burning so 1 be
the guines org. He tried putring mineral pil on my hands to see it the burning stopped by
it dion's, he wanted to try vinegar out he didn't have any so he had me wash my hands. W
I put my nange under the saucet and turned the water on 1 jerked by hands out because the
water made them burn worse than they had before. Bruce gut a big jar ut Silvidine creme c
and started putting it on my face and arms. Bruce gave Karla a pair of blue jeans to char
into because one was complaining of her legs burning. She and I want back to the bathroom
so she could change her pants. I applied sllviding to the front of her legs because they
bright red and I rold her to keep hor whom off because the tops of her feet were very red
We started to walk back over to City Hall it took us about 2 minutes, upon arrival we were
met by some of our council men who were very concerned about our well being. We decided t
call chemirec's hot line and sec if we could find about the signs and symptoms of gasoling
and PCB. We were told that we could test some of our clothing by washing it in some and a
that if we had in fact been exposed to ICB ther would not be any immediate effects but If
have read each page of this statement consisting of 5 page(s), each page of which hears my signature, and corrections, if any ontitials, and I curtify that the facts contained herein are true and correct.
Dated at 1:30 Am

FATOR CHARACTER

Signature of person giving voluntary statement.

NOT UNDER ARREST
nses concerning the events I am about to make known toTHEPROPER_AUTHORITIES of thout being accused of or questioned about any criminal offenses regarding the facts I am about to state, I valuateer the following in
my own free will, for whatever purposes it may serve.
we washed our clothing and the residue remained in the clothes that it could possibly b
because it was a pollutent and soap and water would not break it down. We tried an exp
with two shirts that had this substance stained on them. The stains did not wash out
in either hot or cold water. About the same time someone noticed that my face had trus
I guess from a chemical reaction of what was on my face and the sprividing creme. I we
go into City Hall and show the council what had happened to my face. Mayor Fro Tem Fra
Brillhart said he thought we should try to shower off as fast as possible but that he
know where this could be accomplished without contamination. The decision was made to
people to our homes and get a complete change of clothes and shoes and bring back to the
Hall which were put in plastic bags and sealed. In the meantime Harold Fisher became
he sat down on the sidewalk and doubled over with severe stomach cramps. We became V:
worried about this because we knew he had swallowed some of the substance that was on
A firefighter was sent to get the other ambulance so we could check Harold's blood pre
About the same time Central Dispatch told me that Lifeflight crew had called down and
word with them that I was to contact them immediately and advise them of what was going
with us and what the sign and symptoms were. I called Lifeflight and told them what w
happening with the rescue workers, and notified them that we were on our way to their
with the rescue workers and our ETA was approximately 1 hr.
When we reached the hospital we were taken one at a time and admitted to the emer
room, except for Harold Fisher who had become worse while in route he was taken on in
emergency room. While I was being admitted to the E.R. I was approached by the Life!
who was telling me about Terry's condition and what had been done to him when he arri
the hospital.
• •
nave read each page of this statement consisting of page(s), each page of which hears my signature, and corrections initials, and I certify that the facts contained herein are true and correct.

Signature of person giving voluntary statement

WITNESS:

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ALVIN ADELMAN RICHARD A. CHALLED "-CMAS" J. DOUGLAS, JR. SERARD FISHBERG WICHARD M. FUNK ERNEST A. GOETZ.JR. WITHARL W HALL HARRY G. HILL SECRGE L. HUBBELL, JR. THOMAS M LAMBERTI POBERT B. LISLE PETER J. MASTAGLIO -ERMAN MELTZER HAROLD A. MERIAM, JR. JOHN E. MURPHY F PETER O'HARA STATHIA B. ORRENT TOWIN F. RUSSELL JAMES P SLATTERY JOSEPH P STEVENS WILLIAM P. TUCKER FREDERICK E WILLITS

STEVEN L ZELKOWITZ

*PARTHERS EMERITUS

Cullen and Dykman 177 Montague Street Brocklyn, New York 11201-3633

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GARDEN CITT OFFICE 1010 FRANKLIN AVENUE GARDEN CITT, NEW YORK 11530-0755 (518) 741-0900

STORY AND AND STREET OF THE WAR AND AND STREET

WASHINGTON, D. C. OFFICE 1019 HINETEENTH STREET NW WASHINGTON, D. C. 2003-8105 (202) 223-8890 May 2, 1984 JULES MARIASM LEWIS ORGEL J. READ SMITH IONARD J. WALSM, JR., P.C. COUNSEL

ROY R BEJSOVEC
C. GAYDEN WARE
DANIEL D MCLAUGHLIN, JR
MICHAEL W BRINTZER
ROBERT C NIELSEN
SUZANNE ON SCANLAN
WILLIAM R COLEMAN
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STEVEN E. GRILL
GARY E. GUY
M. MARGARET FABIC
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JAMES MARTISER
LAWENCE A MOMANO
THOMAS E. WYNNE
LANCE D. MYERS
EJGENE A CLEMENTE
JOHN J. FANNING
EJOHN B. DEROSA
WALTER G GUYF
STEPMEN GAEBLER
STEPMEN GAEBLER
TIMOTHY B. BANGROPT
DAVID T. METCALFE

*ADMITTED IN THE DISTRICT OF COLUMBIA NOT ADMITTED IN NEW YORK

Mr. Walter Carolan, President Mr. James Carolan Rose Chemicals/PCB Division 2459 Charlotte Street Kansas City, Missouri 64108

Re: The Brooklyn Union Gas Company

B & A #4434, P.O. # P-82580

Gentlemen:

We have received the enclosed guarantee from Rose Chemicals/PCB Division, stating that all material Brooklyn Union previously shipped to Rose Chemicals for destruction or detoxification has been shipped to, and scheduled for destruction by, Rollins Environmental Services, Inc. under manifests numbered 00803608 and 00803609. This guarantee is signed by Mr. Christopher B. Gosch, Director of Sales and Marketing for Rose Chemicals.

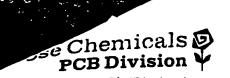
As it appears that this guarantee was not signed by an officer of Rose Chemicals, we hereby bring the guarantee to your attention. The Brooklyn Union Gas Company expects that Rose Chemicals has ratified and will uphold this guarantee. If we have not heard from you in writing to the contrary within five (5) days of the date of this letter, Brooklyn Union will assume that Rose Chemicals has ratified and will support this unconditional guarantee.

M. Mangaret Fabric
M. Margaret Fabric

MMF:dj Enclosure

cc: Stephen Busch 🗸 Eldon Lackey, Esq.

TENTOR CEMENT SENGITVE"



2459 Charlotte Street Kanses City, Missouri 64108 (816) 471-7227

April 26, 1984

Ms. Margaret Fabic Cullen and Dykman 177 Montague Street Brooklyn, NY 11201-3633

Re: The Brooklyn Union Gas Company P.O. #P-82580 June 16, 1983 B&A #4434 November 29, 1982

Rose Chemicals, PCB Division provides the Brooklyn Union Gas Company with an unconditional quarantee that all material contracted for under B&A #4434 of November 29, 1982, and P.O. #P-82580 dated June 16, 1983 has been shipped to and scheduled for destruction at Rollins Environmental Services, Incorporated, under manifest #'s 00803608, and 00803609 respectively.

ON41036

Christopher B. Gosch Director of Sales and Marketing

CBG/vj

CC: Eldon Lackey

State of Missouri County of Jackson

Subscribed and sworn to before me this 26 day of April, 1984.

SRIDGET A DORBHOFFER SOTARY PUBLIC STATE OF RISSOURY JACKEON CO.

BY CORNISSICA EXPIRES OCT 4,1887 18SUED THRU AISCOURT BOTARY ASSOC.

file: Rose Chen

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Cullen and Dykman 177 Montague Gireet Brooklyn, New York 11201-3633

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BALFER
GAUGEN
TIMOTHY B BARCROFT
DAVID T. METCALFE

SADMITTED IN THE DISTRICT OF COLUMBIA NOT ADMITTED IN NEW YORK

April 19, 1984

Mr. Christopher B. Gosch Director of Sales and Marketing Rose Chemicals/PCB Division 2459 Charlotte Street Kansas City, Missouri 64108

Re: The Brooklyn Union Gas Company P.O. #P-82580, B & A #4434

Dear Mr. Gosch:

We have received the two completed manifests numbered 00803608 and 0080609 and a copy of a contract between Rollins Environmental Services, Inc. and Rose Chemicals which you sent to us in this matter. Please be advised that these items do not fulfill the documentation requirements upon which we previously agreed. Nowhere do these documents identify the material shipped under manifests numbered 00803608 and 00803609 or scheduled for destruction under the contract between Rose and Rollins as the material Brooklyn Union shipped to Rose under the above captioned contract for recycling or destruction.

We expect that you will send us further written documentation clearly identifying the material described in these manifests numbered 00803608 and 00803609, and the contract between Rose and Rollins, as the same material Brooklyn Union previously shipped to Rose.

"'/PMTS

100 25 1984

" " " " an Can MO

Mr. Christopher B. Gosch April 19, 1984 Page 2

In the alternative, we will accept Rose Chemicals' unconditional written guarantee that Brooklyn Union's material was shipped under the manifests numbered 00803608 and 00803609 and is scheduled for destruction under the contract between Rollins and Rose.

In addition, when the certificate of destruction is prepared by Rollins, it must clearly identify the destroyed material as Brooklyn Union's.

We expect to receive complete documentation identifying the material shipped under manifests numbered 00803608 and 00803609, and described in the contract between Rollins and Rose, within 5 days of the date of this letter, or we will be forced to take further action.

Yours truly,

M. Margaret Fabic

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MMF:dj PEDERAL EXPRESS

cc: Mr. Stephen Busch

Mr. Walter Carolan

Mr. James Carolan

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ALVIN ADELMAN RICHARD A. CHALLED THOMAS J DOUGLAS, JR. GERARD FISHBERG RICHARD H. FUNK ERNEST A. CCETZ. JR MICHAEL W HALL SHARRY G. HILL *GEORGE L. MUBBELL, JR THOMAS M. LAMBERTI POBERT B. LISLE PETER J. MASTAGLIO "HERMAN MELTZER HAROLD A. MERIAM, JR. JOHN E. MURPHY F. PETER O'HARA CYNTHIA & ORRENT SEDWIN F. SUSSELL JAMES P. SLATTERY JOSEPH P. STEVENS WILLIAM P. TUCKER FREDERICK E. WILLITS STEVEN L. ZELHOWITZ *PARTNERS EMERITUS

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LANCE D WERS
RASHMIN MENTA
LURENCE A. CLEMENTE
JOHN J. FANNING
EUGENE B. CLEFF
STEPMER D. A. BELER
SMEILE R. MAROOFT
TIMOTHY B. BARCHOFT

SADMITTED IN THE DISTRICT OF COLUMBIA MOT ADMITTED IN NEW YORK

August 13, 1984

Mr. Lawrence H. Liebs
Ms. Katherine P. Hartnett
Mr. Stephen P. Yagos
The Brooklyn Union Gas Company
195 Montague Street
Brooklyn, New York 11201

Re: Rose Chemicals PCB Disposal

Dear Larry:

Enclosed are the certificates of destruction prepared by Rollins Environmental Services Inc., indicating that the PCB condensate Brooklyn Union originally shipped to Rose Chemcials, and Rose later transferred to Rollins, has been incinerated or otherwise destroyed in compliance with federal regulations. The certificates clearly state that Rollins destroyed material sent to it under manifest numbers 00803608 and 00803609. As we already have guarantees from Rose that the material shipped to Rollins under those manifest numbers was the material Brooklyn Union shipped to Rose originally, it appears that Brooklyn Union's material has been destroyed.

It was a pleasure assisting you in this matter; if we

EPA-ALLIMATE PER

AUG 2 0 1984

Mr. Lawrence H. Liebs Ms. Katherine P. Hartnett Mr. Stephen P. Yagos August 13, 1984 Page 2

can be of further assistance to you in the future, please feel free to call me.

Yours truly,

M. Mafgaret Pabic

MMF:dj Enclosure

cc: Mr. Stephen Busch , United States Environmental Protection Agency

TO A SIFICATION



JULY 24, 1984

ROSE CHEMICALS, INC. 2459 CHARLOTTE STREET KANSAS CITY, MO 64108

ATTN: Mr. Chris Gosch

Dear Mr. Gosch:

This is to certify the material referenced below was incinerated as of 04/17/84 in accordance with 40 CFR 761 it pertains to incineration of PCB solids, liquids and capacitors. The below material that does not pertain to incineration was landfilled in accordance with all PCB regulations.

TOTAL POUNDS

-48120

RES (TX) INC. B/L NUMBER

-60141

RES (TX) INVOICE NUMBER

-104679

TOWR MANIFEST NUMBER

-00803609

SINCERELY

RES (TX) INC.

TRACY HOLLISTER

PLANT MANAGER



JULY 24, 1984

ROSE CHEMICALS, INC. 2459 CHARLOTTE STREET KANSAS CITY, MO 64108

ATTN: Mr. Chris Gosch

Dear Mr. Gosch:

This is to certify the material referenced below was incinerated as of 04/04/84 in accordance with 40 CFR 761 it pertains to incineration of PCB solids, liquids and capacitors. The below material that does not pertain to incineration was landfilled in accordance with all PCB regulations.

TOTAL POUNDS

-43600

RES (TX) INC. B/L NUMBER

-59810

RES (TX) INVOICE NUMBER

-104552

TOWR MANIFEST NUMBER

-00803608

SINCERELY

RES (TX) INC.

RACY HOLDISTER

PLANT MANAGER

COLESTIED

Brooklyn Umin Gas Co.

1-3-85

Enginering Dift. Larry Liedo (718)403-3052 OR Kate Hartnett (718)403-3053

TO CONTROL OF THE CONTROL OF SECTION OF THE SECTION

Lane C.D. from Rolling received.

8-13 84 from Attorney

C.D. from Rollins on 7-24 to

Gosch that material mieneste
in April PI

Texas ilamberto sent to Steve Buel
aicro mith C.D.
Angust 3 to Gosch bas
April 12 from Gosch to attorney including
Tipsa Mainflet
Ifin 18 from Attorney including contract
\$2 completed manifeste
(Marin 30)

Rolling

SPENCER, FANE, BRITT & BROWNE

。 我们也一个一个是没有,但是这种是自己的信息,但是是 **这类**是 多的是 被某人被要的第三人称单数

JAMES T. BRITT HARRY L. BROWNE JOSEPH J. KELLY, JR. WILLIAM M. WOODSON ** ROBERT P. LYONS RICHARD H. SPENCER DONALD W. GIFFIN . . LOWELL L. SMITHSON JAMES R. WILLARD GAD SMITH ** EDWARD A. SETZLER RICHARD W. SCARRITT JACK L. WHITACRE BASIL W. RELSEY .. JEROME T. WOLF ++

MENDEL SMALL JAMES M. WHITTIER JAMES G. BAKER JACOB F. MAY, JR. . . CARL H. HELMSTETTER E. J. HOLLAND, JR. JAMES W. KAPP, JR. FRANK B.W. MCCOLLUM JAMES #. HUDEK STANLEY E. CRAVEN MONALD L. LANGSTAFF SANDRA L. SCHERMERHORN MICHAEL C. KIRK MICHAEL F. DELANEY I. EDWARD MARQUETTE

CHARLES S. SCHNIDER ... OF COUNSEL

1000 POWER & LIGHT BUILDING 106 WEST 14TH STREET KANSAS CITY, MISSOURI 64105-1974 TELEPHONE (816) 474-8100 TELEX 43-4345

HANSAS OFFICE SUITE SOO, 40 CORPORATE WOODS 9401 INDIAN CREEK PARKWAY P. O. BOX 25407 OVERLAND PARK, KANSAS 66228-5407 (913) 649-8100 OR (816) 474-8100

> BYRON SPENCER (803-1964 IRVIN FANE 1904-1982

CURTIS E. WOODS BURNELL W. BAKER, JR. GARDINER B. DAVIS DAVID D. GATC" ELL TERRY W. SCHACTMANN . SCOTT J. DOLDSTEIN JAMES T. PRICE GEORGANN H. EGLINSKI ** BRUCE E. CAVITT RICHARD H. HERTEL . PORCET & TERRY THOMAS M. WELSCH .. REVIN & LEER . - WILLIAM C. MARTUCCI

JOHN L.UTZ SHIRLET EDMONDS-GOZA MICHAEL F. SAUNDERS MARE A. THORNHILL DAVID L. WING . . JAMES A SHYDER DAVID A. SOSINSKI PAMELA A. ALEXANDER L-CAMILLE HEBERT .. JOHN M. MAT ** SRESDRY C. LAWHON BRIAN M. DUNN

ADMITTED IN KANSAS

REC'D

MAY 3 1985

CNSL AIR & WATER

.. ADMITTED IN KANSAS AND MISSOURI ALL OTHERS ADMITTED IN MISSOURI

PLEASE REPLY TO THE MISSOURI OFFICE FILE NO. 3816300/1

May 21, 1985

DELIVERED BY MESSENGER

Henry Rompage, Esq. Assistant Regional Counsel USEPA Region 7 726 Minnesota Avenue Kansas City, Kansas 66101

Martha C. Rose Chemicals, Inc.

Dear Mr. Rompage:

Enclosed please find the summary provided me as to total purchases for the fiscal period ended August 31, 1984. believe this completes the information you requested.

Best wishes.

Very truly yours,

SPENCER, FAME, BRITT & BROWNE

Lowell L. Smithson

LLS: jkm Enclosure

MARTHA C. ROSE CHEMICALS, INC.

TOTAL PURCHASES

FOR THE PERIOD ENDING
AUGUST 31, 1984

AS PRESENTED TO:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MARTHA C. ROSE CHEMICALS, INC. TOTAL PURCHASES

For Period Ending	August 31, 1984
PURCHASES:	
DETOXIFICATION:	
NON-TECHNICAL SERVICES	\$ 355,324
TECHNICAL SERVICES	211,950
COMMUNICATION	329,895
SUBCONTRACTS	671,360
TRANSPORTATION	124,624
MATERIALS	218,900
SPACE	107,950
TOTAL PURCHASES	\$2,020,003

"ENFOR CHAPENT SENSITIVE"

SPENCER, FANE, BRITT & BROWNE

Brown Street Comment

JAMES T. BRITT
MARRY L. BROWNE
JOSEPH J. KELLY, JR.
WILLIAM M WOODSON OP
ROBERT P. LYONS
RICHARD M. BENCER
DONALD W. GIFFIN OP
LOWELL L. SMITHSON
JAMES R. WILLARD
GAD SMITH OP
EDWARD A. SEYZLER
RICHARD W. SCARRITT
JACK L. WMITACRE
BASIL W. RELSEY OP
JEROME T. WOLF OP

MENDEL SMALL
JAMES B. WHITTER
JAMES G. BARER
JACOB F. MAY, JR. **
CARL M. HELMSTETTER
E. J. MOLLAND, JR.
JAMES W. KAPP, JR.
FRANK B. W. MCCOLLUM
JAMES R. MUDER
STANLET E. CRAYEN
ROMALD L. LAMESTAFF
SANDRA L. SCHERMERMORN
MICMAEL F. DELANET
I. EDWARD MARQUETTE

CHARLES S. SCHNIDER **
OF COUNSEL

1000 POWER & LIGHT BUILDING 106 WEST 147" STREET KANSAS CITY, MISSOURI 64105-1974 TELEPHONE (816) 474-8100 TELEX 43-4345

RANSAS OFFICE SUITE 500, 40 CORPORATE WOODS 9401 INDIAN CREEK PARKWAY P. O. SOX 25407 OVERLAND PARK, KANSAS 66225-5407 (913) 640-8100 OR (816) 474-8100

> STRON SPENCER 1893-1964 IRVIN FANE 1804-1962

CURTIS E. WOODS
RUBSZEL W. BARER, JR.
QARDINER B. DAVIS
DAVIO O. GATCHELL
TERRY W. SCHACKHAHM **
SCOTT J. GOLDSTEIN
MARK P. JOHNSON
JAMES T. PRICE
GEORGAMM M. EQUIRSKI **
ERUCE E. CAVITT
RICHARO N. MERTEL *
ROBERT B. TERRY
THOMAS M. WELSCH **
REVIN S. LEER **
WILLIAM C. MARTUCCI

JOHN L. UTZ
SMRET EDMONDS-GDZA
MICHAEL F. SAUNDERS
MARR A. THORNHILL
DAVID L. WING & *
JAMES A. SNYDER
DAVID A. SOSINSRI
PAMELA A. ALEXANDER
L. CAMILLE MEBERT **
JOHN M. MAT **
GREGORY C. LAWMON
BRIAM H. DURN

Authorities to the con-

* ADMITTED IN NAMES
** ADMITTED IN NAMES AND MISSOURI

ALL OTHERS ADMITTED IN MISSOURI

PLEASE REPLY TO THE MISSOURI OFFICE FILE NO. 3816300/1

April 24, 1985

REC'D.

Henry Rompage, Esq.
Assistant Regional Counsel
United States EPA - Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

'APR 25 1985

CNSL AIR & WATER

Re: EPA v. Martha C. Rose Chemicals Co., (*MCR*), No. VII-84-T-331

Dear Mr. Rompage:

As promised, enclosed herewith please find the financial statements of MCR for the year ended August 31, 1984 and a copy of the federal income tax return for MCR for the same time period.

These enclosures, together with the previously submitted financial statements and tax returns for the two years prior thereto, thus gives EPA the operating results and balance sheets of MCR for the next preceding three fiscal years.

Very truly yours,

SPENCER, FANE, BRITT & BROWNE

Lowell L. Smithson

LLS:jkm Enclosures

cc: W.C. Carolan

MARTHA C. ROSE CHEMICALS, INC.

FINANCIAL STATEMENTS

FOR THE PERIOD ENDING:
AUGUST 31, 1984

AS PRESENTED TO:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

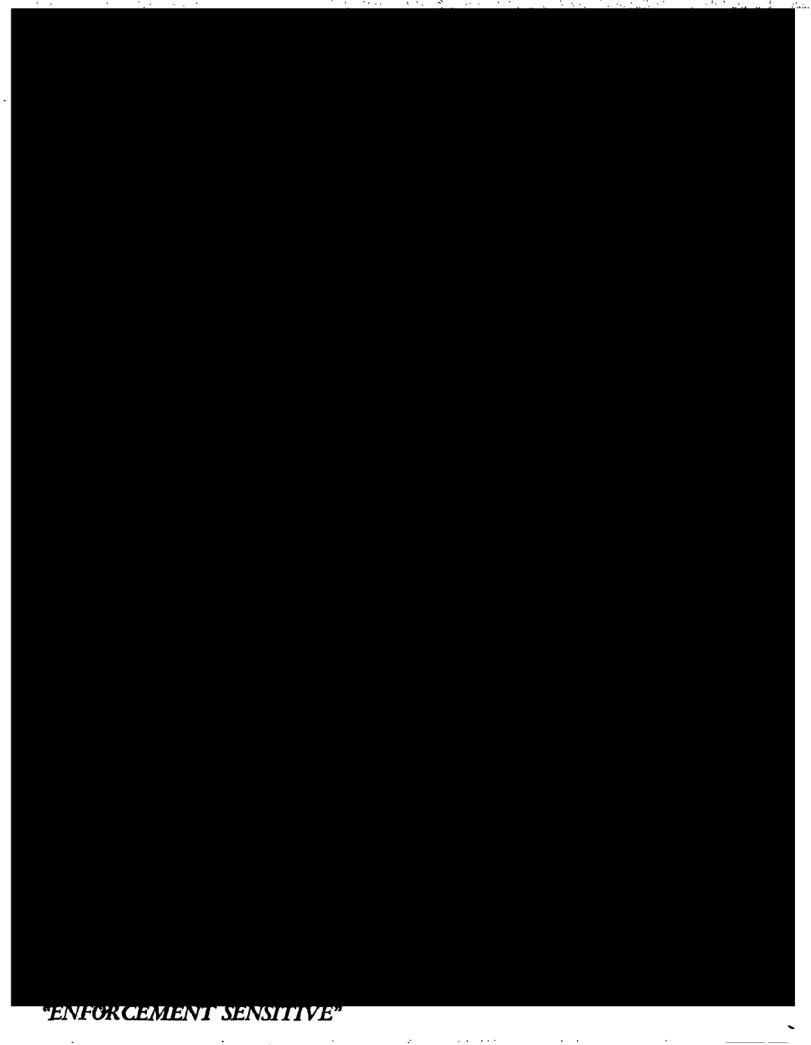
MARTHA C. ROSE CHEMICALS, INC. INCOME STATEMENT

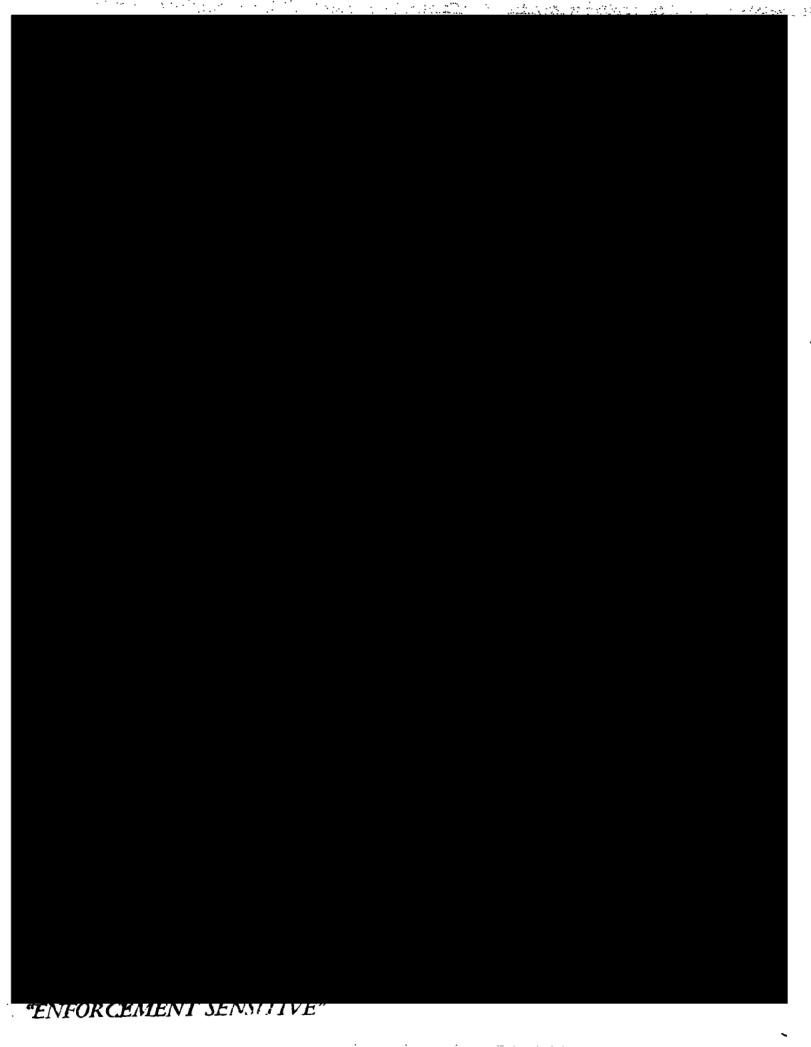
For the Period Ending:	August 31, 1984
SALES	\$2,354,971
COST OF SALES	2,020,004
NET SALES	334,967
LESS:	
OPERATING EXPENSES OTHER EXPENSES	61,359 247,296
TOTAL OPERATING EXPENSES	308,655
NET INCOME/(LOSS)	\$ 26,312

MARTHA C. ROSE CHEMICALS, INC.

BALANCE SHEET

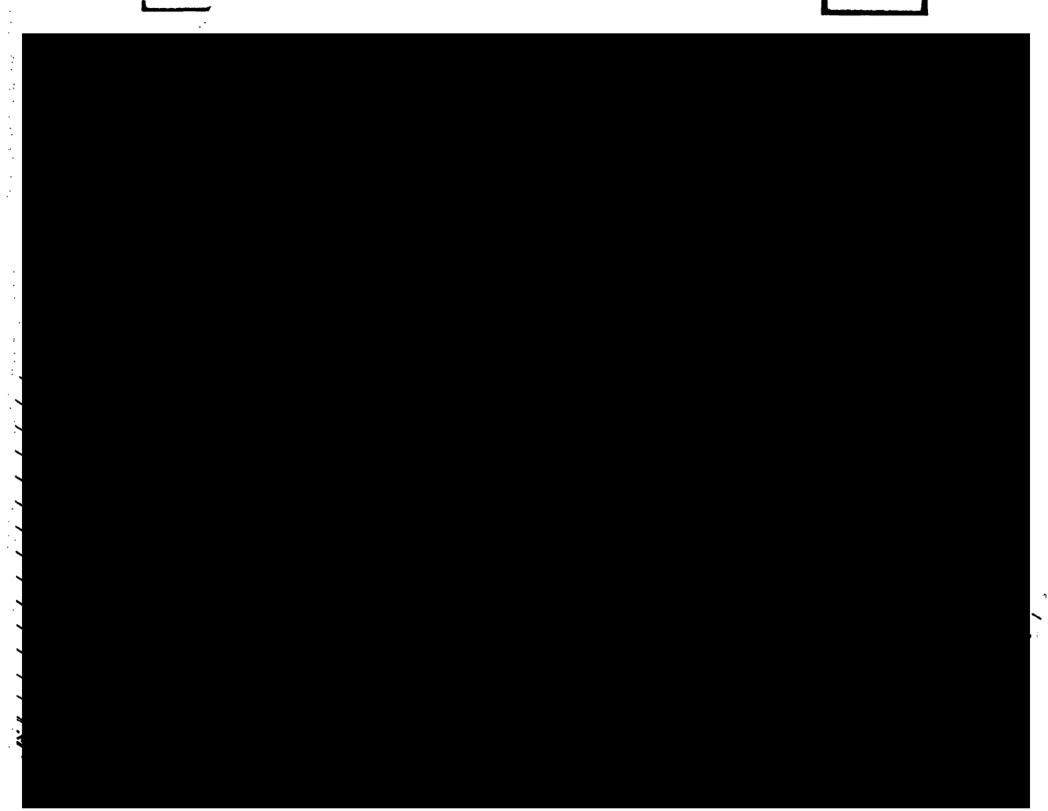
CURRENT ASSETS CASH TRADE ACCOUNT RECEIVABLES OTHER RECEIVABLES TOTAL CURRENT ASSETS EQUIPMENT (Net of Depreciation) ORGANIZATION EXPENSE TOTAL ASSETS S 573,121 LIABILITIES: CURRENT LIABILITIES TRADE ACCOUNT PAYABLES NOTES PAYABLE TAXES PAYABLE TOTAL CURRENT LIABILITIES TRADE ACCOUNT PAYABLES NOTES PAYABLE TOTAL CURRENT LIABILITIES LONG TERM NOTE TOTAL LIABILITIES TOTAL LIABILITIES \$ 573,121 469,675 COTHER LIABILITIES: \$ 460,000 118,732 (60,286)	For the Period Ending:	August 31, 1984
TRADE ACCOUNT RECEIVABLES OTHER RECEIVABLES OTHER RECEIVABLES TOTAL CURRENT ASSETS EQUIPMENT (Net of Depreciation) ORGANIZATION EXPENSE TOTAL ASSETS \$ 573,121 LIABILITIES: CURRENT LIABILITIES TRADE ACCOUNT PAYABLES NOTES PAYABLE TAXES PAYABLE TOTAL CURRENT LIABILITIES OTHER LIABILITIES: LONG TERM NOTE LONG TERM NOTE LONG TERM NOTE TOTAL NET WORTH TOTAL LIABILITIES \$ 573,121 45,000 118,732 (60,286)	ASSETS:	
TRADE ACCOUNT RECEIVABLES OTHER RECEIVABLES OTHER RECEIVABLES TOTAL CURRENT ASSETS EQUIPMENT (Net of Depreciation) ORGANIZATION EXPENSE TOTAL ASSETS S 573,121 ========= LIABILITIES: CURRENT LIABILITIES TRADE ACCOUNT PAYABLES NOTES PAYABLE TAXES PAYABLE TOTAL CURRENT LIABILITIES OTHER LIABILITIES: LONG TERM NOTE LONG TERM NOTE LONG TERM NOTE TOTAL NET WORTH TOTAL LIABILITIES \$ 573,121	CURRENT ASSETS	
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TOTAL CURRENT ASSETS EQUIPMENT (Net of Depreciation) ORGANIZATION EXPENSE TOTAL ASSETS LIABILITIES: CURRENT LIABILITIES TRADE ACCOUNT PAYABLES NOTES PAYABLE TAXES PAYABLE TOTAL CURRENT LIABILITIES OTHER LIABILITIES: LONG TERM NOTE LONG TERM NOTE LONG TERM NOTE LONG TERM NOTE TOTAL NET WORTH TOTAL LIABILITIES \$ 573,121		
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EQUIPMENT (Net of Depreciation) ORGANIZATION EXPENSE TOTAL ASSETS LIABILITIES: CURRENT LIABILITIES TRADE ACCOUNT PAYABLES NOTES PAYABLE TAXES PAYABLE TOTAL CURRENT LIABILITIES OTHER LIABILITIES: LONG TERM NOTE LONG TERM NOTE LONG TERM NOTE TOTAL NET WORTH TOTAL LIABILITIES \$ 573,121	-	
(Net of Depreciation) ORGANIZATION EXPENSE TOTAL ASSETS \$ 573,121	TOTAL CURRENT ASSETS	518,890
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TOTAL ASSETS \$ 573,121		
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LIABILITIES: CURRENT LIABILITIES TRADE ACCOUNT PAYABLES NOTES PAYABLE TAXES PAYABLE TOTAL CURRENT LIABILITIES OTHER LIABILITIES: LONG TERM NOTE LONG TERM NOTE LONG TERM NOTE TOTAL NET WORTH TOTAL LIABILITIES: \$ 573,121	TOTAL ASSETS	5 573.121
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TRADE ACCOUNT PAYABLES \$ 466,500 NOTES PAYABLE 3,175 TAXES PAYABLE TOTAL CURRENT LIABILITIES 469,675 OTHER LIABILITIES: LONG TERM NOTE 45,000 LONG TERM NOTE 118,732 TOTAL NET WORTH (60,286)	CURRENT LIABILITIES	
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OTHER LIABILITIES: LONG TERM NOTE LONG TERM NOTE TOTAL NET WORTH 45,000 118,732 (60,286)		
OTHER LIABILITIES: LONG TERM NOTE LONG TERM NOTE TOTAL NET WORTH 45,000 118,732 (60,286)		
LONG TERM NOTE 45,000 LONG TERM NOTE 118,732 TOTAL NET WORTH (60,286) TOTAL LIABILITIES \$ 573,121	TOTAL CURRENT LIABILITIES	469,675
LONG TERM NOTE 45,000 LONG TERM NOTE 118,732 TOTAL NET WORTH (60,286) TOTAL LIABILITIES \$ 573,121	OTHER LIABILITIES.	
LONG TERM NOTE 118,732 TOTAL NET WORTH (60,286) TOTAL LIABILITIES \$ 573,121		45.000
TOTAL NET WORTH (60,286) TOTAL LIABILITIES \$ 573,121		
TOTAL LIABILITIES \$ 573,121		(60.286)
• • • • • • • • • • • • • • • • • • • •		
• • • • • • • • • • • • • • • • • • • •	TOTAL LIABILITIES	\$ 573,121
		F3555555

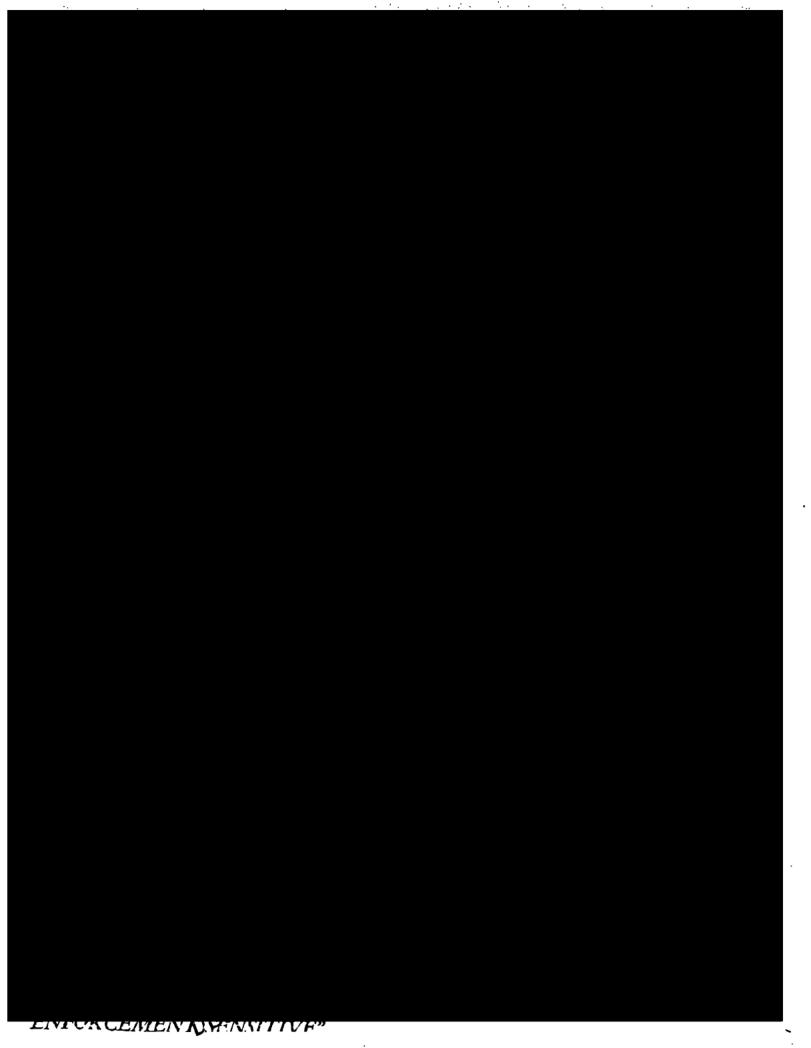


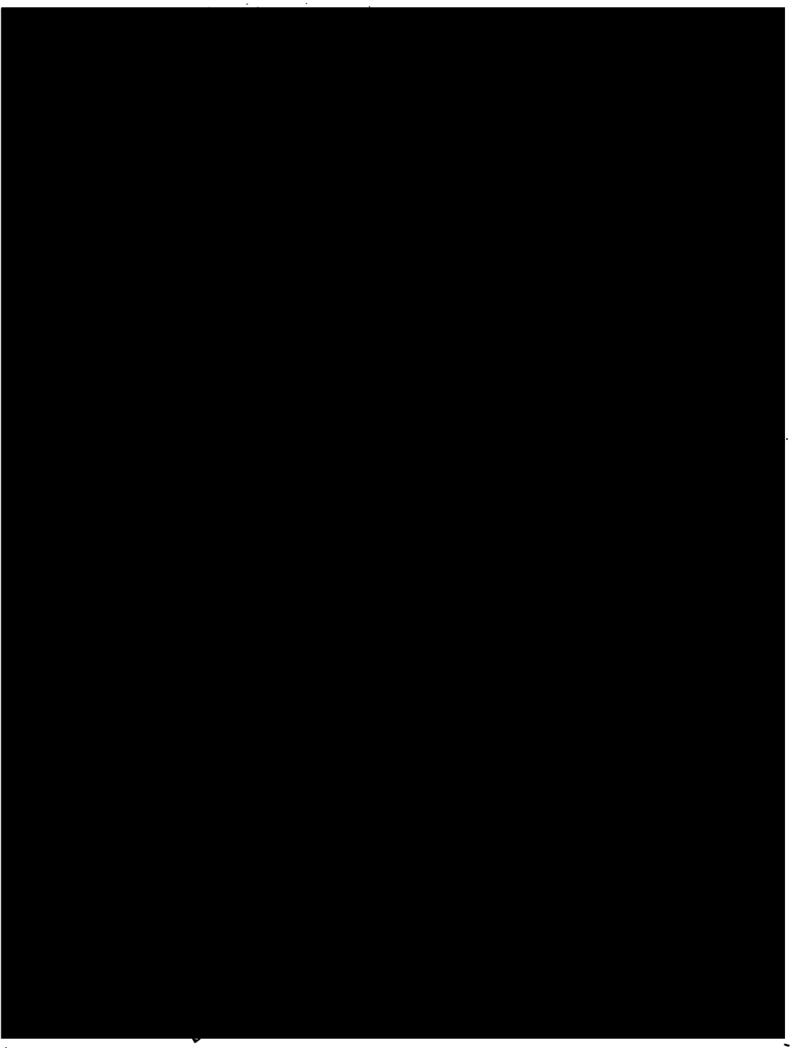


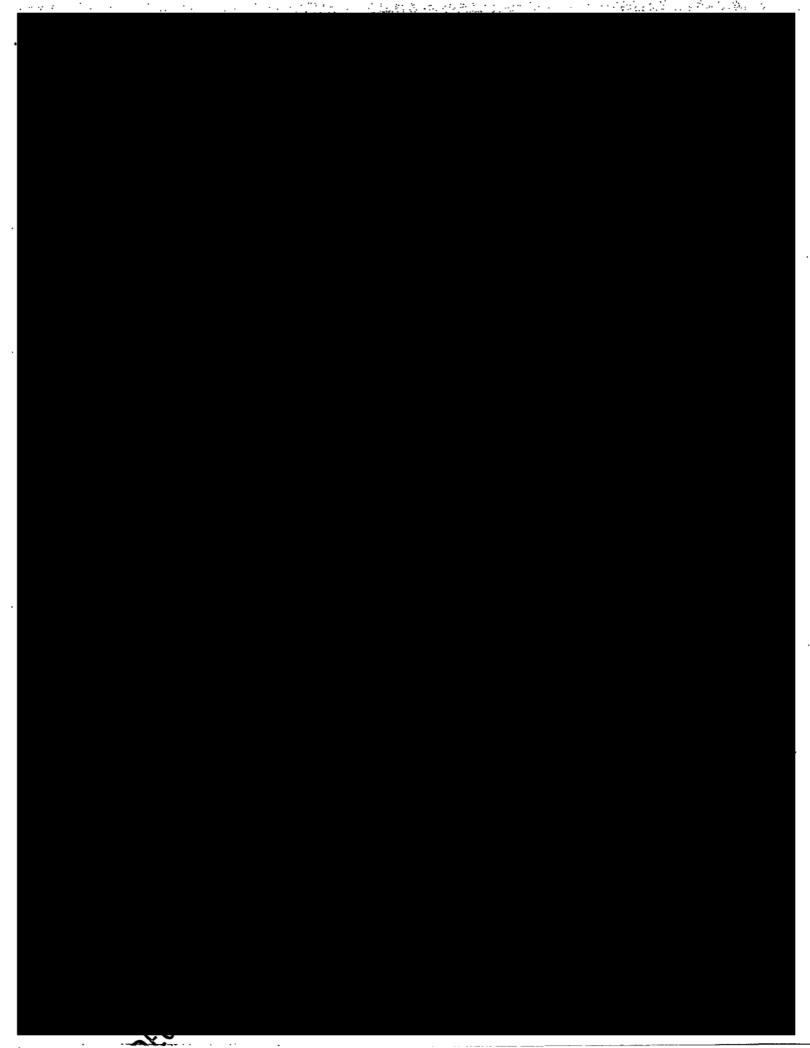












MARTHA C. ROSE CHEMICALS, INC.

The state of the second of

COMBINED FINANCIAL STATEMENTS

FOR THE PERIODS ENDING:
AUGUST 31, 1982 & 1983

AS PRESENTED TO:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MARTHA C. ROSE CHEMICALS, INC. COMBINED INCOME STATEMENT

For the Period Ending:	August 31, 1982	August 31, 1983	
SALES	\$ 135,996	\$ 970,426	
COST OF SALES	182,743	837,741	
	4		
NET SALES	(46,747)	132,685	
LESS:			
OPERATING EXPENSES OTHER EXPENSES	34,544 30,783	45,129 77,430	

TOTAL OPERATING EXPENSES	65,327	122,559	
NET INCOME/(LOSS)	\$ (112,074)	\$ 10,126	

MARTHA C. ROSE CHEMICALS, INC.

COMBINED BALANCE SHEET

For the Period Ending:	August 31, 1982	August 31, 1983
ASSETS:		
CURRENT ASSETS	\$ 1.390	\$ 18,953
CASH TRADE ACCOUNT RECEIVABLES	\$ 1,390 37,159	105,997
OTHER RECEIVABLES	8,100	3,000
TOTAL CURRENT ASSETS	46,649	127,950
TOTAL CURRENT ASSETS	40,045	127,930
EQUIPMENT		
(Net of Depreciation)	108,406	80,709
ORGANIZATION EXPENSE	752	752
TOTAL ASSETS	\$ 155,807	\$ 209,411
101m noon10	,	
LIABILITIES:	•	
CURRENT LIABILITIES	\$ 38.060	s 91,060
TRADE ACCOUNT PAYABLES NOTES PAYABLE	\$ 38,060 18,450	\$ 91,060 10,450
TAXES PAYABLE	1,372	10,430

MOMENT CURPERSON TARREST	E7 000	101 510
TOTAL CURRENT LIABILITIES	57,882	101,510
OTHER LIABILITIES:		
LONG TERM NOTE	45,000	45,000
LONG TERM NOTE	155,000	155,000
TOTAL NET WORTH	(102,075)	(92,099)
TOTAL LIABILITIES	\$ 155,807	\$ 209,411
TA+UM MINDINITIES	\$ 135,6U/	\$ 207,411

"ENTORISMENT SINGITUE"

& Bradstreet Inc

BE SURE NAME, BUSINESS AND ADDRESS MATCH YOUR FILE.

ANSWERING INQUIRY

....

This reposed as been prepared for

TITHIS REPORT MAY NOT BE REPRODUCED IN WHOLF OR IN PART IN ANY MANNER WHATEVIA

34

FULL REVISION

DUNS: 00-792-2206 ROSE, MARTHA C CHEMICALS INC

2459 CHARLOTTE STREET AND BRANCH(ES) OR DIVISION(S)
KANSAS CITY MO 64108 TEL: 816 471-7227

DATE PRINTED JAN 25 1985

STORAGE OF CONTAMINATED OIL SIC NO. 42 26

SUMMARY RATING

1982 STARTED SEE BELOW 3(1 HERE) PAYMENTS EMPLOYS INCOMPLETE HISTORY FINANCING SECURED

CHIEF EXECUTIVE: WALTER C CAROLAN, PRES

(Amounts may be rounded to nearest figure in prescribed ranges)
AYING HIGH NOW PAST SELLING LAS PAYMENTS LAST SALE REPORTED PAYING WITHIN RECORD CREDIT OWES DUE TERMS

11/84 Ppt-Slow 90 250 250 -0-**N7** 1 Mo reflect how bills are met in relation to the terms granted Payment experiences In some instances payment beyond terms can be the result of disputes over merchandise skipped invoices etc.

01/18/85

On Jan 18 1985, principals were absent.

PUBLIC FILINGS UCC FILING

01/18/85 Financing Statement #0964838 filed 04-20-83 with Secretary, State of MO. Debtor Martha C Rose Chemicals Inc, Kansas City, MD. Secured Party: The Mission Bank. Mission, KS. Collateral: all contract rights, machinery, equipment, inventory. Mission, accounts receivable and proceeds.

BANKING 02/84

FINANCE

moderate 6 figures on a secured basis. Now owing 104 figures. (Same bank)Account open 1-3 years. Now owing low 4 figures.

HISTORY 01/18/85

WALTER C CAROLAN, PRES DIRECTOR(S): THE OFFICER(S) J E JESPERSEN, V PRES-SEC-TREAS

Incorporated Missouri Jan 14 1982. Authorized capital consists of 30,000 share: common stock, \$1 par value.

Business started 1982 by officers. 100% of capital stock is owned by officers Starting capital is unavailable.

CAROLAN born 1932 married. 1950-54 attended and graduated from Kansa University, Lawrence, KS. 1954-56 Army. 1956-57 engineer with Midwest Research Institute locally. Since 1957 with related concern and continues. JESPERSEN. Details are unavailable.

RELATED CONCERNS:

W C CAROLAN CO (INC), Kansas City, MO. Started 1957. Wholesales conveyo. systems.

DUST SUPPRESSION SYSTEMS INC, Kansas City, MO. Started 1965. Manufacture

industrial equipment.

AMERICAN SEED WALLS INC, Kansas City, MO. Started 1980. Manufactures stee products.

Intercompany relations, if any, declined.

OPERATION 01/18/85

Engaged in storage and treatment of contaminated oil (100%). Terms vary with job. Sells to utilities, power station concerns, industrial anchemical concerns. Territory :Midwest. Nonseasonal

Nonseasonal.

EMPLOYEES: 3 including officers. 1 employed here.

FACILITIES: Owns 3,000 sq. ft. in 1 story brick building in good condition LOCATION: Central business spection on well traveled street.

BRANCHES: Storage and treatment facilities are located at Holden, MO.

SENFOR CEMENT Section 100000 065

H

(CONTINUED)

THIS REPORT, FURNISHED PURSUANT TO CONTRACT FOR THE EXCLUSIVE USE OF THE SUBSCRIBER AS ONE FACTOR TO CONSIDER IN CONNECTION WITH CREDIT, INSURANCE, MARKETING OR OTHER BUSINESS DECISIONS, CONTRAINS INFORMATION COMPILED FROM SOURCES WHICH DUM & BRADSTREET, INC. DOES NOT CONTROL AND WHOSE INFORMATION, UNLESS OTHERWISE INDICATED IN THE REPORT, HAS NOT BEEN VERIFIED. IN FURNISHING THIS REPORT, DUM & BRADSTREET, INC. IN NO WAY SUMES ANY PART OF THE USER'S BUSINESS RISA. DOES BOT QUARANTEE THE ACCUPACY, COMPLETENESS, OR TIMELIBLESS OF THE INFORMATION PROVIDED, AND

THIS REPORT MAY

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*

ROSE, MARTHA C CHEMICALS INC KANSAS CITY MO

NOT

JAN 25 1985

This region has been prepared for

Page 2 FULL REVISION

***************************** THE FOLLOWING DEB PRODUCT MAY ALSO BE AVAILABLE ON THIS COMPANY:

GOVERNMENT ACTIVITY REPORT

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

IN THE MATTER OF

THE PETITION OF THE ADMINISTRATOR, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

Petitioner

FOR SUBPOENA ENFORCEMENT

vs.

WALTER C. CAROLAN, PRESIDENT)
MARCHA C. ROSE CHEMICALS, INC.)

Respondent

EX PARTE PETITION FOR ORDER TO SHOW CAUSE WHY EPA ADMINISTRATIVE INVESTIGATIVE SUBPOENA SHOULD NOT BE ENFORCED AND FOR FINAL ORDER OF ENFORCEMENT

The Administrator of the United States Environmental
Protection Agency (EPA), by and through his representatives,
the Regional Administrator, EPA Region VII, and the United
States Attorney for the Western District of Missouri, hereby
Petitions the Court ex parte for an Order to Show Cause directing
Walter C. Carolan, President, Martha C. Rose Chemicals, Inc.,
to show cause (1) why it failed to appear and testify on
March 10, 1986, at the EPA offices in Kansas City, Kansas, at
726 Minnesota Avenue; and (2) why a final order enforcing the
subpoena forthwith should not issue against it.

This Petition is based upon the attached affidavits and the accompanying Memorandum of Authorities.

The grounds for this Petition are set forth below.

CLAIM FOR RELIEF

I. JURISDICTION. This Court has jurisdiction herein pursuant

to 28 U.S.C. §§1331 and 1335, and 15 U.S.C. §2610(c) [Section 11(c) of the Toxic Substances Control Act (TSCA)] TSCA §11(c), 15 U.S.C. §2610(c), in material part provides:

In the event of contumacy, failure, or refusal of any person to obey any such subpoena, any district court of the United States in which venue is proper shall have jurisdiction to order any such person to comply with such subpoena. Any failure to obey such an Order of the Court is punishable by the Court as a contempt thereof.

II. AUTHORIZED SUBPOENA ISSUANCE

Company of the Company of the

A. EPA is charged in 15 U.S.C. §2601(c) with implementing the provisions of TSCA, 15 U.S.C. §2601 through 2629. 15 U.S.C. §2610(c) authorizes EPA to issue administrative investigation subpoenas for the purpose of "carrying out" the provisions of TSCA. Section 2610(c) states in part:

In carrying out this ...[Act]..., the Administrator may by subpoena require the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions, and other information that the Administrator deems necessary. . . .

- B. The EPA Administrator has delegated to the EPA Regional Administrators the authority under 15 U.S.C. §2610(c) to issue TSCA investigatory subpoenas. Morris Kay is the EPA Regional Administrator for EPA Region VII, which Region includes Iowa, Kansas, Missouri and Nebraska.
- C. Among the TSCA provisions EPA is charged with carrying out are the civil and criminal enforcement provisions contained in 15 U.S.C. 992614 and 2615. As they relate to the instant proceedings, those provisions make it unlawful for anyone to violate the Polychlorinated Biphenyl (PCB) regulations codified in 40 C.F.R. Part 761. The PCB regulations, inter alia, prohibit the improper or unauthorized storage, use, and

disposal of PCBs. The regulations and the TSCA provisions jointly establish remedies for violations of the PCB regulations.

EPA has determined that PCBs are being stored and processed at Martha C. Rose Chemicals, Inc., Holden, Missouri, in violation of the regulations governing the use, storage and disposal of PCBs at 40 C.F.R. 761 et seq., promulgated pursuant to Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2605(e). In addition, EPA is investigating the improper or unauthorized disposal or distribution in commerce of PCBs due to a failure of Martha C. Rose Chemicals, Inc. to comply with certain conditions in EPA issued approvals [pursuant to the authority of 40 C.F.R. 761.60(e) | to process PCB transformers, PCB capacitors, and to detoxify PCB oil. Said approvals contain requirements for the developing and implementation of a site closure plan, and the establishment of a fund to finance the closure of said site. EPA is further investigating and inquiring into the financial ability of Martha C. Rose Chemicals, Inc. to conduct such a closure. Finally, EPA is expanding its investigation to include the examination of the relationships and transactions between Martha C. Rose Chemicals, Inc. and other companies in which Walter C. Carolan holds a financial interest, including but not limited to, Carolan Industries and American Steel and Dust Suppressants, also located in Missouri. Accordingly, the subpoena in this case was issued for the purpose of carrying out TSCA within the meaning of 15 U.S.C. \$2610(c), and was issued in accordance with law.

lay 13, 1333

CERTIFIED MAIL RECEIPT AEQUESTED

Julter C. Carolan, President and Registered Agent Partha C. Rose Chemicals, Inc. 240) Charlotte Street Kansas City, Missouri 64108

Scott J. Goldstein, Esq.

Spencer, Faue, Britt and Browne

100 Jower & Light Building

100 Jest 14th Street

Kansas City, Jissouri 64195

ERALCH

AMBRITA SIMBONON ALBOYAMANG CAMING

Re: 'Aartha C. Rose Chemicals, Inc., et al. Docket No. 86-F-0006

Dear Massrs. Carolan and Goldstein:

Enclosed is an Administrative Order issued pursuant to Section 136(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1930 (CERCLA), 42 J.S.C. §3606(a). Please note the provisions of the Order that require immediate action on the part of Martina C. Rose Chemicals, Inc. as a Respondent in the above-referenced matter. If you have any questions, please contact me at (913) 236-2809.

Sincerely,

J. Scott Pemberton Assistant Regional Counsel

Enclosure

bcc: Steve Kinser, JSTA -Ruben McCullers, ARTX

CNSL/JSPemberton:ksp: 5-25-863X275:jsp 2-7

.4ay 23, 1936

CERTIFIED MAIL

Walter C. Carolan, President and degistered Agent American Steel Works, Inc. 500 W. McKissock Holden, Missouri 64040

Re: Martha C. Rose Chemicals, Inc., et al. Docket No. 86-F-0006

Dear Mr. Carolan:

Enclosed is an Administrative Order issued pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(a). Please note the provisions of the Order that require immediate action on the part of American Steel Works, Inc. as a Respondent in the above-referenced matter. If you have any questions, please contact me at (913) 236-2809.

Sincerely,

J. Scott Pemperton Assistant Regional Counsel

Enclosure

bcc: Steve Kinser, WSTM

Ruben McCullers, ARTX

CNSL/JSPemberton:ksp:5-23-86:X270:jsp 2-7

lay 23, 1930

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Walter C. Carolan, President and Registered Agent W.C. Carolan Company, Inc. 612 West 47th Street Kansas City, Missouri 64112

Re: Martha C. Rose Chemicals, Inc., et al. Docket No. 86-F-0006

Dear dr. Carolan:

Section 106(a) of the Comprehensive Environmental Response,
Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C.

§9606(a). Please note the provisions of the Order that require
immediate action on the part of J.C. Carolan Company, Inc. as
a Respondent in the above-referenced matter. If you have any
questions, please contact as at (913) 236-2809.

Sincerely.

J. Scott Peacerton Assistant Regional Counsel

Enclosure

bcc: Steve Kinser, WSTM

Ruben McCullers, ARTX

CNSL/JSPemberton:ksp:5-23-36:X276:jsp 2-7

day 23, 1930

CERTIFIED MAIL RECEIFT REQUESTED

Philip F. Badama, President Environmental Pechnology, Inc. 34 Sweeney Street North Ponewands, New York 14120

Re: Martha C. Rose Chemicals, Inc., et al. Docket No. 86-F-0000

Dear '4r. Sadame:

Enclosed is an Administrative Order issued pursuant to Section 100(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCIA), 42 U.S.C. 19606(a). Please note the provisions of the Order that require immediate action on the part of Environmental Sechnology, Inc. (ETI) as a Respondent in the above-referenced matter. If you have any questions, please contact as at (913) 236-2809.

Sincerely,

J. Scott Pemberton
Assistant Regional Counsel

inclosure

cc: Eff 560 Peantower 3100 Broadway Kansas City, Missouri 64111 (w/enclosure)

bcc: Steve Kinser, JSIA Ruben McCullers, ARIX Hay 23, 1900

CERTIFIED HAIL RETURN RECEIPT REQUESTED

donorable Francis Brillhart Mayor, City of dolden, Missouri City Hall Holden, Missouri 64040

Re: Hartha C. Rose Chemicals, Inc., et al. Docket No. 80-F-0006

Dear Mr. Mayor:

Enclosed is an Administrative Order issued pursuant to Section 106(a) of the Comprehensive Environmental desponse, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(a). Please note, the City of Holden has been named as Respondent in the above-referenced matter only for purposes of providing other Respondents access to implement the terms of the Order. If you have any questions, please contact me at (913) 236-2809.

Sincerely,

J. Scott Pemperton Assistant Regional Counsel

Inclosure

bcc: Steve Kinser, WSTM Ruben McCullers, ARTX

May 23, 1986

Certified Mail Return Receipt Requested

Robert Hahn Lear Siegler, Inc. 980 South Arroyo Parkway Pasadena, California 91105

Re: Martha C. Rose Chemicals, Inc., et al. Jocket No. 86-7-0006

Dear Mr. Haha:

Enclosed is an Administrative Order issued pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1930 (CERCLA), 42 U.S.C. \$9606(a). Please note, Lear Siegler, Inc. has been named as Respondent in the above-referenced matter only for purposes of providing, to other named Respondents, access to property leased by Lear Siegler from the City of Holden, liesouri. If you have any questions, please contact me at (913) 235-2809.

Sinceraly,

J. Scott Pemberton Assistant Regional Counsel

Enclosure

May 23, 1986

CERTIPIED MAIL RETURN RECEIPT REQUESTED

Walter C. Carolan 6435 Wenonga Road Mission Hills, Kansas 66208

Re: Martha C. Rose Chemicals, Inc., at al. Docket No. 85-F-JOUG

Dear fir. Carolan:

Enclosed is an Administrative Order issued pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. \$9606(a). Please note the provisions of the Order that require immediate action on your part as a despondent in the above-referenced matter. If you have any questions, please contact me at (913) 236-2809.

Sincerely,

J. Scott Pemberton Assistant Regional Counsel

Enclosure

bcc: Steve Kinser, WSIM
Ruben McCullers, ARTX



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

Honorable Francis Brillhart Mayor of Holden 503 East 10th Street Holden, Missouri 64040

Dear Mayor Brillhart:

Thank you for your recent call concerning the matter of M.C. Rose Chemicals, Inc.

A CONTRACTOR AND CONTRACTOR

As you requested during our phone conversation, I have enclosed for your information a copy of the Environmental Protection Agency (EPA), Region VII, letter requiring Rose Chemicals to submit the documentation providing for financial assurance for closure and post-closure costs and liability insurance coverage for their PCB disposal facilities in Holden, Missouri.

As a part of the financial requirements, Rose Chemicals will be obligated to have and maintain a liability coverage for sudden accidents in the amount of at least \$1.0 million for each occurrence with an annual aggregate of at least \$2.0 million, exclusive of legal defense costs. The company will also be required to set up a trust agreement for meeting their financial obligation for proper closure and, if necessary, post-closure care of their PCB facilities. The dollar figure for the trust agreement is not specified in the financial requirements, but should be based on a worst possible situation in the event that their PCB facilities need to be closed.

We appreciate your comments, and if you have any questions regarding this information, we would be glad to answer them. My phone number is (913) 236-2888. The member of my staff most familiar with this subject is George Y Bang. He may also be reached at the same phone number.

Sincerely yours,

Lyndell L. Harrington, P.E.

Chief, Permits Section

RCRA Branch

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

JUL 1 1985

OFFICE OF
THE REGIONAL ADMINISTRATOR

Mr. Walter C. Carolan President Martha C. Rose Chemicals, Inc. 2459 Charlotte Kansas City, Missouri 64108

Dear Mr. Carolan:

The U.S. Environmental Protection Agency (EPA) Region VII is hereby requiring the submittal of documentation providing for financial assurance for closure/post-closure costs and liability coverage for your PCB disposal facilities approved by Region VII. This requirement is made by authority of 40 CFR 761.60(e) of the Toxic Substances Control Act (TSCA).

All owners and operators of EPA Region VII approved PCB disposal facilities must show that funds are available for:

- meeting their obligation for proper closure and, if necessary, post-closure care of their facilities; and
- compensating others for bodily injury or property damage caused by accidents arising from operations of the facilities.

Since approved disposal facilities frequently treat and/or store large quantities of PCBs or PCB items prior to disposal, these financial requirements are intended for the entire facility necessary to carry out disposal activities (facilities for storage and treatment prior to disposal) and are not just for the disposal portion of the facility.

On March 30, 1983, EPA published in the Federal Register a procedural rule amendment and statement of policy. In that publication EPA reaffirmed its intent to integrate disposal facility permitting presently granted under both the Toxic Substances Control Act (TSCA) and the Resource Conservation and Recovery Act (RCRA). Since such an intent exists, EPA Region VII believes the most prudent means of specifying financial requirements is to reference those requirements in 40 CFR 264 Subpart H - "Financial Requirements." Thus owners and operators of facilities must demonstrate their capability of meeting requirements equivalent to those specified in 40 CFR 264 Subpart H - "Financial Requirements" for those facilities operated within Region VII.

To comply with requirements equivalent to those specified in 40 CFR Subpart H, it is necessary to develop standards and procedures for closure, partial closure and post-closure of a facility. EPA Region VII is therefore requiring all facilities which have been granted an approval to dispose of PCBs by the Regional Administrator to develop financial assurance mechanisms in accordance with closure or partial closure of a facility in an equivalent manner to that specified in 40 CFR 264 Subpart G - "Closure and Post-Closure." This requirement includes developing a closure plan in an equivalent manner to that specified in 40 CFR 264.112.

This financial assurance documentation will be required of all PCB disposal facilities in Region VII, which are approved by the Regional Administrator. These requirements shall be effective October 1, 1985, or upon renewal of your approval, whichever occurs first. Failure to comply with these requirements will result in termination of your PCB disposal approval. To assist you to meet these requirements, I am enclosing a copy of 40 CFR 264, Subpart G and H, and "Federal Financial Requirements for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities," (SW-962). Documentation of compliance with these requirements should be submitted to the Waste Management Division of EPA Region VII by October 1, 1985.

If you have any questions concerning these requirements, please contact the member of my staff most familiar with this subject, George Y. Bang, at (816) 374-6531.

Sincerely yours,

Morris Kay

Regional Administrator

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

MAR 3 1 1986

OFFICE OF THE REGIONAL ADMINISTRATOR

Honorable Edwin H. Bideau III Kansas House of Representatives State House Topeka, Kansas 66612

Dear Mr. Bideau:

This is in response to your February 28, 1986, letter to William A. Spratlin, Director, Air and Toxics Division, in which you expressed concerns about Waste-Tech Services, Inc., or its predecessor, Energy, Inc.

Based on available information, neither Waste Tech Services, Inc., nor Energy, Inc. has been permitted to handle wastes under the Resource Conservation and Recovery Act or the Toxic Substances Control Act. The Office of Toxic Substances has informed our staff that there are no national approvals and they are not aware of any approvals issued regionally. The Seattle Environmental Protection Agency (EPA) Regional Office (having jurisdiction over the Idaho Falls, Idaho, headquarters of Waste-Tech) informed us that the company has developed an eighteen inch pilot incinerator for handling hazardous wastes, and received interim status to process not more than 0.3 gallons of waste per hour. No commercial operation has been approved.

The EPA Regional Office in Colorado has not permitted an operation under either company name.

On February 13, 1986, Martha C. Rose Chemicals, Inc., was issued a notice of intent to revoke the transformer and capacitor processing approvals if the company did not come into compliance with the PCB Final Rule and the conditions of approval within thirty days. Since that time we have received several media reports that Rose would close its Holden, Missouri, facility and would not proceed with its plan to operate in Chanute. We have received the attached letter of March 19, 1986, from Mr. Walter C. Carolan, President of the company, advising us that the company has tentatively agreed to allow Environmental Technology Incorporated of Buffalo, New York, to arrange for complete disposal for PCB materials stored at the Holden facility.

If you have any questions on this matter, please call me.

Sincerely yours

Morris Kay

Regional Administrator

Enclosure Ship

WENTERD CEMENT CENICITIVE

2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

March 19, 1986

United States Environmental Protection Agency Region VII Office of the Regional Council 726 Minnesota Ave. Kansas City, KS 66101

Attn: David Tripp, Attorney

Gentlemen:

Rose Chemicals has tenatively agreed to allow Environmental Technology Incorporated of Buffalo, New York to arrange for complete disposal services for PCB materials currently stored for disposal in our Holden facility.

In addition to arranging for disposal, ETI will assist in the requirements for labor and manifesting, so that a timely, efficient phase out will be completed.

I have reviewed their qualifications, and experience in this industry, and I feel they are well suited to provide the expertise this project requires.

Sincerely,

Walter C. Carolan

President

WCC/tls

11/1 - 11/1 1 HE 1/1

CONTROLLED CORRESPONDENCE OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL LIAISON

FROM:

Edwin H. Bideau III

CONTROL NO:

CIGL-86-85

DATE RECEIVED:

3-3-86 by ARTX 3-19-86 by CIGL

DUE DATE:

3-18-86 (10 day from receipt)

extended to 3-2786

CONSTITUENT:

self

SUBJECT:

Seeking information regarding the licensing of Waste-Tech Services, Inc. (formerly Energy, Inc.) by EPA and closure funding at Holden, Missouri.

ASSIGNED:

Letter received from Judy Sturgess (copy) CPTA (delayed because she was out-of-town)

SIGNATURE: REGIONAL ADMINISTRATOR

ţ:

SPECIAL INSTRUCTIONS:

COORDINATE YOUR RESPONSE WITH EARLENE WILSON, X316

ENFORCEMENT SENSITIVE

7-EPA-5230.1(T)(Revised 5/85)

EDWIN BIDEAU III REPRESENTATIVE FIFTH DISTRICT NEOSHO COUNTY 123 W MAIN CHANUTE KANSAS 66720



STATE OF KANSAS

LABOR AND INDUSTRY . PUBLIC HEALTH AND WELFARE

HOUSE OF REPRESENTATIVES

February 28, 1986

Mr. Willaim A. Spratlin Air & Toxic Division United States Environmental Protection Agency Region 7 Office 726 Minnesota Avenue Kansas City, Kansas 66101

MAR 0 3 1986

Dear Mr. Spratlin:

JOXICS & PESTICIDES

I would like to thank you once again for taking the time talk with me a few weeks ago and the information provided to me was of great assistance. I have requested introduction of a bill in the Kansas legislature to get KDHE involved in advance site regulation and approval of PCB facilities. The bill is patterned after the 1985 Oregon statute.

Since I talked with you an issue has been raised concerning Waste-Tech Services, Inc. who is proposed as the actual operator of the incinerator at the Chanute location. This company was previously located in Idaho Falls, Idaho and Lakewood, Colorado and was known as Energy, Inc. involved in fluidized bed incineration systems. This information is contained in the packet of material passed out locally by Rose Chemical and was included in the material you copied from my file.

This material appears to imply that Waste Tech has burned PCB on at least a test basis but recent news articles would seem to indicate that the company has never been licensed for such. I would appreciate some information from your agency as to whether or not either Waste-Tech Services, Inc. or its predecessor, Energy, Inc. have ever been licensed by EPA for handling or incineration of PCBs or any other RCRA or TSCA substances.

I have also been informed that recent news reports indicate that the Holden, Missouri facility may be closed and there may be some problem in closure funding there. This of course would seem to be a substantial concern and I would appreciate an update on the status. Once again thank you for your very able assistance.

Sincerely

EHB:kc

"ENFORCEME

Edwin H. Bideau III

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION VII 726 Minnesota Avenue Kansas City, Kansas 66101

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In the Matter of:)	
)	•
WALTER C. CAROLAN,)	TSCA Docket No. VII-86-T-190
Kansas City, Missouri)	SUBPOENA DUCES TECUM

RESPONSE OF WALTER C. CAROLAN TO SUBPOENA DUCES TECUM

Walter C. Carolan responds to the Supoena Duces Tecum in TSCA Docket No. VII-86-T-190 as follows:

Preliminary Statement.

1. The stated purpose of the Subpoena Duces Tecum is for the EPA to determine whether Martha C. Rose Chemicals, Inc. (Rose) will meet its obligations under a closure plan and whether Rose will meet its obligations under PCB regulations promulgated pursuant to TSCA. The Subpoena, however, was directed to Walter C. Carolan, individuly (not as a representative of Rose) and requests information with

interest or from which he has determined it. This information is not reasonably relevant to the similar purpose of the EPA, which stated purpose was to determine whether Rose will meet its obligations under a closure plan and whether Rose will meet its obligations under PCB regulations.

Because the information sought is not reasonably relevant to the stated purpose of the EPA, the Subpoena Duces Tecum is invalid, and Walter C. Carolan will provide the information requested with

respect to companies owned by him, or in which he has a financial interest, or from which he currently or since 1/1/83 has derived financial benefit.

- 2. Further, there are no statutory provisions in TSCA or PCB regulations which authorize or provide for closure of PCB disposal facilities. The Subpoena Duces Tecum, to the extent that its purpose is to determine whether Rose will meet its obligations under a closure plan, is outside the scope of the EPA's authority under TSCA. Since 15 U.S.C. \$2610(c) only authorizes subpoenas in carrying out "this chapter" and TSCA does not include any provisions regarding closure of PCB disposal facilities, the information requested in the subpoena is outside the EPA's power of inquiry under TSCA, and the Subpoena Duces Tecum is, therefore, invalid.
- 3. To the extent that the Subpoena Duces Tecum is directed to Walter C. Carolan as President of Rose, Walter C. Carolan responds as follows:

Response:

- 1. Walter C. Carolan has been president of Rose since 1/1/83.
 The address of Rose is known to the EPA.
- In the control of charation of Rose is known to Equation of Rose are available in the operation of Rose are available in the case of - 4. See answer to number 3 above.
 - 5. See answer to number 3 rabove.
 - 6. See answer to homber 3 above.

SPENCER, FANE, BRITT & BROWNE

JAMES Y BRITY
JOSEPH J RELLY, JR
WILLIAM N WOODSON **
ROSERT P LYONS
RICHARD M. SPENCER
JOHALD W SIFFIN **
LOWELL L SMITHSON
JAMES R WILLARD
GAD SMITH **
EDWARD A SETZLER
RICHARD W. SCARRITY
JACK L WHITACRE
BASIL W RELSEY **
JERGME T. WOLF **
WENDEL SMALL

1/

JAMES M. WHITTER OO JAMES G. BARER JACOS P. MAY, JR OO CARL M. MELMSTETTER E J MOLLAND, JR JAMES W MAPP, JR FRANK S W MCOLLUM JAMES R MUDEA STARLEY E CRAVEN ROMALD L.LANGSTAFF SANDER L. SCHERMERMORM MICHAEL P. DELART T. E STARLEY D. DELART T. E STARLEY C. DELART T. E STARLEY C. DELART T. E STARLEY D. MARQUETTE CURTIS E. WOOGS

CHARLES S. SCHNIDER ..

IOOO POWER & LIGHT BUILDING
IOG WEST IA'M STREET
RANSAS CITY, MISSOURI 64IOS-1974
TELEPHONE (8I6) 474-8IOO
TELEX 43-4345
TELECOPIER (8I6) 474-3216

RANBAS OFFICE BUITE 800, 40 CORROBATE WOODS 8401 INDIAN EREER PARKWAY P. O BOX 28407 OVERLAND PARK, RANBAS 66228-8407 (813) 348-8100 OR (816) 474-8100

> SYRON SPENCER 1893-1964 IRVIN FAME 1904-1982 HARPY L BROWNE 1811-1985

RUSSELL W BARER, JR.
GARDINER B DAVIS
J NICK BADGEROW •
DAVID D GATCHELL
TERRY W. SCHACKWARN •
SCOTT J GOLDSTEIN
MARK P JOHNSON
JAMES Y PRICE
GEORGAM W. EQLINGRI •
SPUCE E CAVITY •
RICHARD M MERTEL •
ROBERTS TERRY
THOMAS W WELSCH •
JOHN L UTZ

SMIRLEY EDMONDS-GOZA MICHAEL F. SAUNDERS MARKA THORNMILL DAVID L. WING PO-JAMES A. SMYDER DAVID A. SOSINSHI PAMELA A. ALEXANDER L. CAMILLE MÉBERT PO-JOHN M. MAT PO-GREGORY C. JAMMON SRIAM M. DUNN JOEL S. LANCE DAVID Y. REWIER CAROL MODOLET TRAUL PO-

- . ADMITTED IN RANGAS
- * * ADMITTED IN KANSAS AND MISSOURI ALL GTHERS ADMITTED IN MISSOURI

PLEASE REPLY TO THE MISSOURI OFFICE FILE NO 3816300-1

January 23, 1986

Hand Delivered

Henry F. Rompage, Esq.
Office of Regional Counsel
U. S. Environmental Protection Agency
726 Minnesota Avenue
Kansas City, Kansas 66101

Re: Leo J. Alderman's letter to Dwight Thomas of January 21, 1986
Dear Henry:

This letter confirms our discussion of January 22, 1986 with respect to Leo Alderman's letter of January 21, 1986 to Dwight That letter was written by Mr. Alderman with respect to an Application submitted by Martha C. Rose Chemicals, Inc. and received by the EPA on January 10, 1986. First, Mr. Alderman stated at the bottom of the first page of said letter that, "Under the terms of the Consent Agreement and Final Order, the last date for submittal is January 25, 1986. You indicated that because the 25th of January falls on a Saturday, Martha C. Rose Chemicals, Inc. will be given until the following business day, Monday, January 27, 1986 within which to provide the EPA an amended non-Confidential Business Information version of the Application submitted on January 10, 1986. I assume this also means that the other two Applications which are required to be submitted on January 25, 1986 will be considered timely submitted under the Consent Agreement and Final Order if submitted on January 27, 1986. If there is any misunderstanding as to when any of these Applications will be considered timely submitted, please let me know immediately.

After our telephone conversation, I contacted representatives of Martha C. Rose Chemicals, Inc. Martha C. Rose Chemicals, Inc. has agreed to comply with the request contained in Mr. Alderman's letter of January 21, 1986 that the Application be reviewed, that identification of specific portions of the document that Martha C. Rose

REC'D.

JAN 2 3 1986

CHSC 'AIR & WATER

Henry F. Rompage, Esq. January 23, 1986 Page 2

Chemicals, Inc. claims as Confidential Business Information be indicated, and that a non-Confidential Business Information version of the Application be furnished. Said amended Application will be furnished to the EPA on January 27, 1986, as will the other Applications for which similar revision will be made, although said Applications have not yet been submitted to the EPA.

By preparation of a non-Confidential Business Information version of the Application, Martha C. Rose Chemicals, Inc. expressly states that it is not waiving the adequacy of the Application submitted and received by the EPA on January 10, 1986, which Application was later returned to Martha C. Rose Chemicals, Inc. by the EPA. Martha C. Rose Chemicals, Inc. does not consider the Application to be "resubmitted" as stated in Mr. Alderman's letter of January 21, 1986 to Dwight Thomas. In addition, Martha C. Rose Chemicals, Inc., by its preparation of a non-Confidential Business Information version of the Application submitted to the EPA on January 10, 1986, is not in any way admitting that the Application submitted on January 10, 1986 was not a good faith effort under paragraph 2 of the Consent Agreement and Pinal Order.

Finally, you stated in our telephone conversation that if after receipt of the non-Confidential Business Information version of the Application questions still remain as to whether claims of confidentiality are valid, then the regulatory procedures for making such determination will be followed.

If you have any questions, please do not hesitate to contact me.

ery truly yours

Scott J. Goldstein

SJG:81

cc: James Carolan Dwight Thomas, Jr.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

SEP 27 1985

IN THE MATTER OF

MARTHA C. ROSE CHEMICALS, INC.) CONSENT AGREEMENT AND FINAL ORDER

Respondent

PRELIMINARY STATEMENT

This proceeding for the assessment of civil penalties was initiated pursuant to \$16(a) of the Toxic Substances Control Act (hereinafter TSCA), 15 U.S.C. \$2615, as amended. The Complainant in this proceeding issued a Complaint and Notice of Opportunity for Hearing to Respondent, charging violation of certain regulations governing the manufacture, processing, distribution in commerce, use, disposal, storage and marking of polychlorinated biphenyls (PCBs), promulgated at 40 C.F.R. Part 761, pursuant to Section 6(e) of TSCA.

For purposes of this proceeding Respondent does, by this Consent Agreement admit the jurisdictional allegations of the Complaint and, though Respondent denies the substantive allegations of the Complaint, the Respondent consents to the following Final Order.

Respondent hereby explicitly waives its right to a judicial or administrative hearing on any issue consented to herein, except that Complainant and Respondent each respectively reserve the right to a judicial hearing on any issue as to whether or not Respondent hereafter complies or fails to comply with any requirement of any of paragraphs 1, 2, 3, 4 or 5 of the Final Order.

Respondent has demonstrated a financial inability to pay the original proposed penalty of \$176,250.

For purposes of this proceeding only, Respondent consents to the issuance of the Order hereinafter recited, and consents to the payment of a civil penalty in the amount hereinafter recited.

FINAL ORDER

- 1. Respondent shall provide to EPA, within fifteen (15) days after the effective date of this Final Order, a written statement certifying that none of the violations alleged in the Complaint presently exist.
- 2. Respondent shall within 120 days from the effective date of the Final Order, apply to EPA, Region VII, for modification of the following EPA, Region VII, permits issued to Respondent, Martha C. Rose Chemicals, Inc.
 - A. July 1, 1984, approval for processing PCB transformers for disposal.
 - B. March 15, 1983, approval to process PCB Mineral . Oil for disposal.
 - C. October 15, 1983, approval to process PCB Capacitors for disposal.

Such application or applications shall be made in accordance with Attachment 1 of this Consent Agreement and shall seek to standardize aspects common to all three (3) permits and to remove ambiguity as to spill control equipment maintenance locations and as to the range of normal operating temperatures for the reactor. A good faith effort by Respondent to so apply shall be compliance with this Order and any subsequent EPA requirements for Respondent to resubmit, alter, modify or supplement such good faith application of applications shall not cause the imposition

of any penalty or fine upon Respondent. Respondent shall continue to operate under the said three (3) permits above until the effective date of the respective permit modifications herein above mentioned and thereafter Respondent shall operate under each permit as thus modified.

- 3. Respondent shall complete adjustments to its inventory system in accordance with Attachment 2 to this Consent Agreement and Final Order within 180 days from the effective date of the Final Order.
- 4. Respondent shall pay a civil penalty of ninety-four thousand two hundred dollars (\$94,200), a portion of which, specifically, forty-six thousand dollars (\$46,000) will be payable as follows:
 - A. Ten thousand dollars (\$10,000) shall be payable immediately upon Respondent's execution of this Consent Agreement and Final Order.
 - B. \$10,000 shall be payable on December 15, 1985
 - C. \$10,000 shall be payable on March 15, 1986
 - D. \$10,000 shall be payable on June 15, 1986
- E. \$ 6,000 shall be payable on September 15, 1986

 Payment shall be by cashier's or certified checks made payable to the United States Treasury. The checks shall be mailed to EPA, Region 7 (Regional Hearing Clerk) P.O. Box 360748M, Pittsburgh, PA 15251. The signed Consent Agreement shall be mailed to the Regional Hearing Clerk, U.S. EPA, 726 Minnesota Avenue, Kansas City, KS 66101.
- 5. The remainder of the penalty, specifically, forty-eight thousand two hundred dollars (\$48,200) is hereby deferred and

shall become due and owing upon failure of Respondent to comply with any requirement of any of Paragraphs 1, 2, 3 or 4 of this Order. Should the deferred amount become due and owing for any reason, payment shall be made within twenty (20) days of receipt of notice by Respondent from EPA that said payment is due, and shall be made in the manner specified in Paragraph 4 above.

14.00 TANA BALU UNUNGKAN SARUTUN SAL

Failure to pay any amount of the civil penalty that is due and owing will result in commencement of a civil action in Federal District Court to recover the amount due, along with accumulated interest at the rate of nine percent (9%) per annum.

RESPONDENT:

MARTHA C. ROSE CHEMICALS, INC.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Henry F. Rompage, Attorney
Office of Regional Counsel

Date 9-27-83

IT IS SO ORDERED. This Final Order shall become effective immediately.

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Morris Kay Regional Administrator

ATTACHMENT NO. 1 -

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The new PCB approval application or applications will contain the following items:

- 1.- One person shall be designated responsible for maintenance of all records required by the disposal approval.
- 2.- All records regarding receipt, storage, processing, disposal, and other handling of PCBs shall be maintained at or within one mile of Respondent's facility at 500 W. McKissock, Holden, Missouri. For records so stored, the - same shall be in a building with someone working at least 40. hours per week as designated in the application, and these records shall be available for EPA inspection, during said 40 hours.
- The maximum and minimum operating temperatures of all process equipment must be specified.
- Any Region VII approved process used for the destruction of PCBs in mineral oil dielectric fluid shall include a two or multiple tank system for the storage of reactor product. Reactor product is the mineral oil dielectric fluid wherein the PCBs in the fluid have been destroyed to the detection limit specified in a Region VII approval. At all times, the reactor product tank must contain at least 10% of capacity.
- 5.- The location of all spill control kits will be designated and the composition of all spill control kits will be described.
- 6.- Any Region VII approved process used for the reduction in volume of PCB transformer and capacitor materials subject to the PCB disposal requirements shall include a designated area or areas for the storage of all cleaned metals (cleaned metals are defined as the parts of the capacitors and transformers in which PCBs are removed through Region VII issued Metals awaiting laboratory analysis must be approvals). stored in designated areas.
- 7.- . The oil, capacitor and transformer procedures to be followed by the Respondent in performing the activities subject to Region VII approval for alternate disposal methods shall be described in reasonable detail. EPA requests for clarification of these procedures from Respondent, will not be deemed a failure to comply with this requirement.
- The following terms and phrases used in the records regarding the storage and disposal of PCBs shall be defined with reasonable clarity: Reagent, quantity gallons, date removed from tank, remarks, material type, date processed, date disposed, ins. #, final disp. date, location, contamination level, insulators G.C. Metal G C, Paper WHS #, Man #, Wrhs #, G C, Batch C R #, W T #, Metal, Cores, Paper,

Total lbs., Total volume, G.S., Date returned, Lab date, weight, PPM, Specific gravity, Measurement, generator, date received, batch size, sampled by, name and sampler. requests for clarification from Respondent of these definitions, will not be deemed a failure to comply this requirement.

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- 9.- Disposal certificates shall be issued to the generator of any PCBs or PCB Items and will be sent by Respondent within 10 working days of receipt by Respondent of all pertinent disposal certificates or documents indicating disposal from other disposal sites. For items disposed of at Respondent's facility, the disposal date is when laboratory analysis indicates the material is below the specified detection limit.
- 10.- The approval application will incorporate the inventory system included as Attachment 2 to the Consent Agreement.
- 11.- The approval application will include all PCB storage (including inspections of PCB storage areas) and disposal recordkeeping forms on PCBs or PCB items.
- 12.- The approval shall state that, at a minimum, quarterly safety courses will be held for nonclerical plant employees of Respondent working at Respondent's facility or delivering PCBs to that facility. Records shall be maintained of each meeting, including a list of such employees who attend.
- 13.- The approval shall state that, at a minimum, semi-annual compliance courses will be held for all employees of Respondent working at Respondent's facility or delivering PCBs to that facility. Records shall be maintained on each meeting, including a list of the employees who attend.
- 14.- The capacitor processing area will be modified to improve employee safety and to prevent environmental release of This shall include a ventilation system which will exhaust air from the entire area in which the processing area is located. The exhaust from any ventilation system shall be monitored as specified in the approval application.
- 15.- The transformer processing area will be modified to improve employee safety and to prevent environmental release of This shall include a ventilation system which will exhaust air from the entire area in which the processing area is located. The exhaust from any ventilation system shall be monitored as specified in the approval application.
- 16.- The approval application will state how a capacitor will be punctured during processing and state a minimum drain time before further processing.
- 17.- Each vapor cleaning system shall be provided with a lid with an electrical interlock so that the system will not operate when the lid is being the control of the cont "ENFORCEMENT SENSTIVE"

- 18.- Any water separated from PCB oil will be captured and stored on site until Respondent either (i) has a Missouri NPDES Permit for processing waste water, (ii) ships the water to an incinerator as PCBs or (iii) includes in the approval application or applications a process that cleans the water to 1 ppb of PCBs. Process water may then be used by Respondent in its operations.
- 19.- Respondent will redefine "cleaned oil," meaning effluent from the reactor, as oil with less than 1 ppm PCBs.
- 20.- All indoor bulk tanks will be individually curbed.
- 21.- Respondent shall require the safety equipment as required from time to time by OSHA shall be worn by employees of Respondent in the PCB area. Such equipment initially required by OSHA as of the date of Respondent's application or applications shall be stated therein.
- 22.- Respondent will include in the approval application or applications a closure plan.
- 23.- Respondent will include in its approval application or applications a plan to build showers and change rooms as required by OSHA for all employees working the PCB area.

ATTACHMENT NO.

INVENTORY SYSTEM

For purposes of this document, inventory is defined as all materials (transformers, capacitors, oils, miscellaneous solid materials, fluids, etc.) received or generated by Respondent in storage prior to disposal as PCBs.

The inventory system shall be established and operated as follows:

- Inventory is to be organized into rows having a width of one pallet : (approximately five feet) except for transformers having a width of more than five feet and large bulk oil-containers. - --
- 2.- Thirty inch aisles are to be established between two successive rows of inventory and between a row of inventory and a wall (unless the row of inventory ends at approximately a right angle to a wall).
- All inventory is to be arranged so all PCB marks, labels and dates on each item are capable of being viewed from the aisles without moving the items.
- 4.- Transformers are to be stored in a single horizontal layer (no stacking of transformers).
- 5.- Fifty-five gallon drums are to be stored on pallets no more than two levels high. A third level if banded, is allowed.
- Capacitors are to be stored in a single horizontal layer on pallets or metal racks no more than three levels in (Storage of one horizontal layer of fifty-five gallon drums with one horizontal layer of capacitors on top will be allowed.)
- 7.- All other PCB containers will be stored in a manner which allows for safe inspection of the contents.
- All fifty-five gallon drums and transformers will be marked, labeled, and dated individually.
- Tanks for storage of PCB and non-PCB oil will be clearly identified as to type of contents; i.e., PCB oil greater than 10,000 ppm, PCB mineral oil less than 10,000 ppm, PCB fluids less than 10,000 ppm, non-PCB oil (less than 50 ppm) and clean oil (treated). The SPCC Plan will include these designations.
- 10.- Each large bulk oil tank will have attached to it or within 30 meters of such tank, a weatherproof box containing a tank

inventory record indicating when oil was added to the tank or removed. Each date of oil added or removed shall be associated with the appropriate item numbers.

11.- PCB capacitors may be stored individually or in containers (drums, pallets). Capacitors or their storage containers must bear a notation, capable of being viewed without moving the item, which indicates when the capacitor was received by Respondent and the date of removal from service of the capacitor longest removed from service.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

JAN 2 2 1986

MEMORANDUM

SUBJECT: Martha C. Rose Chemical Company, Inc. (Rose Chemicals)

Financial Responsibility - Subpart H Review Comments

FROM:

Lyndell L. Harrington

Chief, Permits Section, RCRA

TO:

Judith Sturgess

Chief, Case Preparation and Technical

Assistance Section, TOPE

We have reviewed Rose Chemicals financial assurance and liability documentation for their Holden, Missouri facility. Based upon our review of Rose Chemicals' submittal in accordance with RCRA requirements, we have provided deficiency comments to be included in your initial comment letter to the facility. Please note that our review was completed based upon the cost estimates provided by Rose Chemical, and that the General Comment immediately below should precede all other review comments.

General

(1) As discussed in EPA's July 1, 1985 letter, the EPA is using the Resource Conservation and Recovery Act (RCRA) regulations (Subparts G and H) as technical and administrative guidance in the review of the financial and closure documents submitted to satisfy requirements under the Toxic Substances Control Act (TSCA) for PCB treatment approvals.

Therefore, we have referenced the applicable regulations in our comments below for your information and guidance.

Liability Requirements 264.147

(2) In the July 23, 1985, meeting between Michael Wolfram of my staff and Messieurs Dwight Thomas and James Carolan of Rose Chemicals, the requirement to demonstrate liability coverage effective October 1, 1985, was discussed. Careful review of the information submitted by Rose Chemicals provided no documentation of efforts to comply with the liability requirements. Liability coverage for sudden accidental occurrences must be provided in the amounts of at least \$1 million per occurrence with-an annual aggregate of at least \$2 million, exclusive of legal defense costs.



- (3) Rose Chemicals must demonstrate compliance with the liability requirements by providing EPA with a signed duplicate original of their insurance policy along with any amendments or exclusions that exist on the policy.
- (4) Each insurance policy must be amended by attachment of the Hazardous Waste Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording in the endorsement must be identical to the wording specified in § 264.151(i). The wording of the Certificate of Insurance must be identical to the wording specified in 264.151(j).

Financial Assurance for Closure 264.143

- (5) A trust agreement for a trust fund as specified in § 264.143(a) must have identical wording as specified in § 264.151(a)(1). The trust agreement established to provide closure monies for Rose Chemicals is in direct violation of the RCRA wording requirements and is inadequate as written. Rose Chemicals must amend its trust agreement and provide EPA with a signed duplicate original of the amended trust agreement.
- (6) The pay-in-period that Rose Chemicals' has established for its trust fund is inadequate. In accordance with 264.143(a)(3), payments into the trust fund may be made over the term of the initial permit, or over the remaining operating life of the facility whichever is shorter. For Rose Chemicals, the term of the initial permit is the shortest time period, and therefore is the maximum allowable length of the pay-in-period. Rose Chemicals must amend the pay-in-period to a length of three years and adjust its payment schedule accordingly.

March 4, 1986

MEHORANDUM

DATE:

Request for Signature on Attached TSCA Subpoena

All the second

to Martha C. Rose Chemicals

FRCM:

David R. Tripp Regional Counsel

and

William A. Spratlin, Jr.

Director, Air and Toxics Division

TO:

Morris Kay

Regional Administrator

We have reason to believe that the ongoing actions at the subject facility in Holden, Hissouri, are a prelude to a possible abandonment of the site. We believe it is important that the company follow its closure plan as submitted to EPA, so a government sponsored cleanup can be avoided. The closure plan and financial assurance of ability to verform proper closure relate to the approvals for alternate disposal of PCBs under the TSCA regulations. The information sought is important to assess the facility's ability to meet these requirements and to comply with the PCB regulation.

The company may claim it cannot afford a cleanup. The enclosed subposing is designed to gather as much information as possible about the company's true financial status.

Authority for a TSCA subpoena is found at TSCA, 15 U.S.C. 92010(c) [Section 11(c)] which authorizes the Agency to issue a subpoena requiring the attendance and testimony of witnesses and the production of documents as the Administrator deems necessary. This authority has been delegated to the Regional Administrator.

It is important to obtain this information as soon as possible. We are also seeking a meeting with the company to discuss its intentions on closure, and to convince the company to clean up rather than abandon the site.

CNSL:HTRompage:emm-3/03/36-Disk TSCA #2

TENTOR CEARING SENSITIVE

REFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION VII

726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101 (913) 235-2853

IN THE MATTER OF) TSCA Docket No. VII-86-T-190) Walter C. Carolan)

Kansas City, Missouri) SUBPOENA DUCES TECUM

TO: WALTER C. CAROLAN, KANSAS CITY, MISSOURI

YOU ARE HEREBY COMMANDED, pursuant to Title 15, United States Code, Section 2610(c) [Toxic Substances Control Act, Section 11(c)], TO APPEAR IN PERSON at the following place at the following time:

TIME: March 10, 1956 9:00 a.m.

PLACE: U.S. Environmental Protection Agency, Region VII

Office of Regional Counsel

725 Minnesota Avenue Kansas City, Kansas

YOU ARE COMMANDED FURTHER TO BRING WITH YOU at the above stated time and place, and then and there produce for inspection and/or copying, those items identified and described on the attached page.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN A COURT ACTION AGAINST YOU.

Issued at Kansas City, Kansas, this 4th day of March 1986.

Morris Ray, Regional Administrator U.S. Environmental Protection Agency Kansas City, Kansas

Attachment to Subpoena

For purposes of assisting EPA in determining whether Martha C. Rose Chemicals, Inc., will meet its obligation under the closure plan of October 1, 1985, and under the PCB regulations promulgated pursuant to TSCA, provide the following information and documents, to be brought with you at the time and date required above.

- 1. Names and addresses of all companies owned by you, or in which you have a financial interest, or from which you currently, or since January 1, 1963, have derived direct financial benefit.
- Records reflecting the length of time you have operated or did operate any and all businesses identified in no. I above.
- 3. All records involved in, or which reflect transactions by you or any company owned by you or from which you derive direct financial benefit for storage or shipment of oily (louids containing any level of polychlorinated biphenols (PCBs), which occurred at any tire after January 1, 1993.
- 4. All records involved in, or which reflect, transactions in which you, or any entity listed in no. 1 above, acquired oil and oily substances (including PCBs) from any generator or transporter after January 1.
- 3. All records reflecting the use, storage and disposal of all transformers as defined in 40 C.F.R. Part 7ol.3 and all liquid PCBs by you or any of the entities listed in no. 1 above after January 1, 1983.
- any entity listed in no. I above, removed or drained any oil from PCB contaminated equipment such as transformers or capacitors after January 1, 1983.
- 7. All records which contain or reflect communications between yourself, or any entity listed in no. 1 above, and any entity from which you obtained transformers or capacitors or other PCB items after January 1, 1983.
- 8. All records reflecting the use, storage, and disposal of any transformer, or transformer components or capacitors or other PCB items such as copper, scrap metal or oil, by you or any of the entities listed in no. 1 one above, after January 1, 1983.
- 9. Any and call records reflecting the sale of any transformer or transformer commonants or capacitor or other PCB items

The Control of the St. H. H. Santana Coll. Commercial States of Belleville States of the Society of the States of the

- 10. Records showing the name and address of each person to whom you, or any of the entities listed in no. 1 above, sold or transferred the items listed in no. 9 above.
- 11. Any and all compliance orders, settlement agreements, consent orders, or other similar agreements between you or any other entity listed in no. I above, and any state, local, or federal agency, with the exception of Environmental Protection Agency, or commission, or similar entity relating to violations of environmental laws or regulations.
- 12. Identify any and all payments of any kind, including rent, by Martha C. Rose Chemicals to any of the entities listed in no. 1 above.
- 13. Provide all financial information, including income tax returns, on all income earned by Martha C. Rose for the fiscal years of 1982, 1983, 1984, and 1985.
- 14. Provide all financial information, including income tax raturus, on all income earned by all the entities listed in no. 1 above, for the fiscal years of 1982, 1983, 1984, and 1985.
- 15. Provide all financial information on the transfer of any funds, in whatever form and by whotever means, to any and all of the entities listed in no. I above.

March 3, 1986

Walter C. Carolan 2459 Charlotte Kansas City, Missouri (641)1

Dear Hr. Carolan:

Re: OPTIONAL AMSUME TO SUBPORNA DUCES TECH BY MAIL

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You have been served with an Environmental Protection Agency (EPA) administrative subpoens duces tecum issued pursuant to the Toxic Substances Control Act (TSCA), 15 U.S.C. §2001 and following sections. Authority to issue a TSCA subpoens is found at Section 11(c) of the Act, 15 U.S.C. 2010(c), which authorizes issuance of a subpoens requiring attendance, testimony and the production or documents. It also authorizes that, in the event of a failure to comply, the Federal District Court shall have jurisdiction to order compliance.

EPA hereby offers to you the alternative of responding to the subject subpoend by mail rather than attending in person and producing records. You would be spared personal inconvenience by electing to respond to the subpoend by mail. However, you must follow carefully the following instructions if you elect to respond to the subpoend by mail:

1. You must telephone the following person promptly and state specifically that you thereby elect to respond to the subpoena by mail rather than in person. You must follow up on that call by sending a letter to the same effect within two (2) working days of the telephone call.

MAME: Henry F. Rompage, Attorney, Office of Regional Counsel, U.S. Environmental Protection Agency

ADDRESS: 726 Minnesota Avenue, Kansas City, Kansas 66101

TELEPHONE: 913-236-2853

2. You must make xerux or photocopies of each record which is in your possession or otherwise available to you,

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which you believe come within the description set forth in the attachment to the subpoens. You must take care to include all records which the attachment reasonably describes because you could be cited for failure to comply with the subpoens, and could later be subpoensed again.

- 3. You must then package up those records and mail them or otherwise have them delivered (together with an affidavit) to the person named in paragraph I above at the address stated there.
- 4. The affidavit which must accompany the shipped records is attached to these instructions and must be signed and sworn to before a Notary Public. Please take care to read the affidavit carefully and be sure that you understand it before you sign and swear to it.
- 5. The affidavit and all the records must be in the hands of the person named in paragraph I above by the time specified in the subpoena.
- 6. If you claim that some portion of, or all of any record covered by the said subpoena is privileged, this option to respond by mail is unavailable to you, and you must appear in person at the time and place stated.

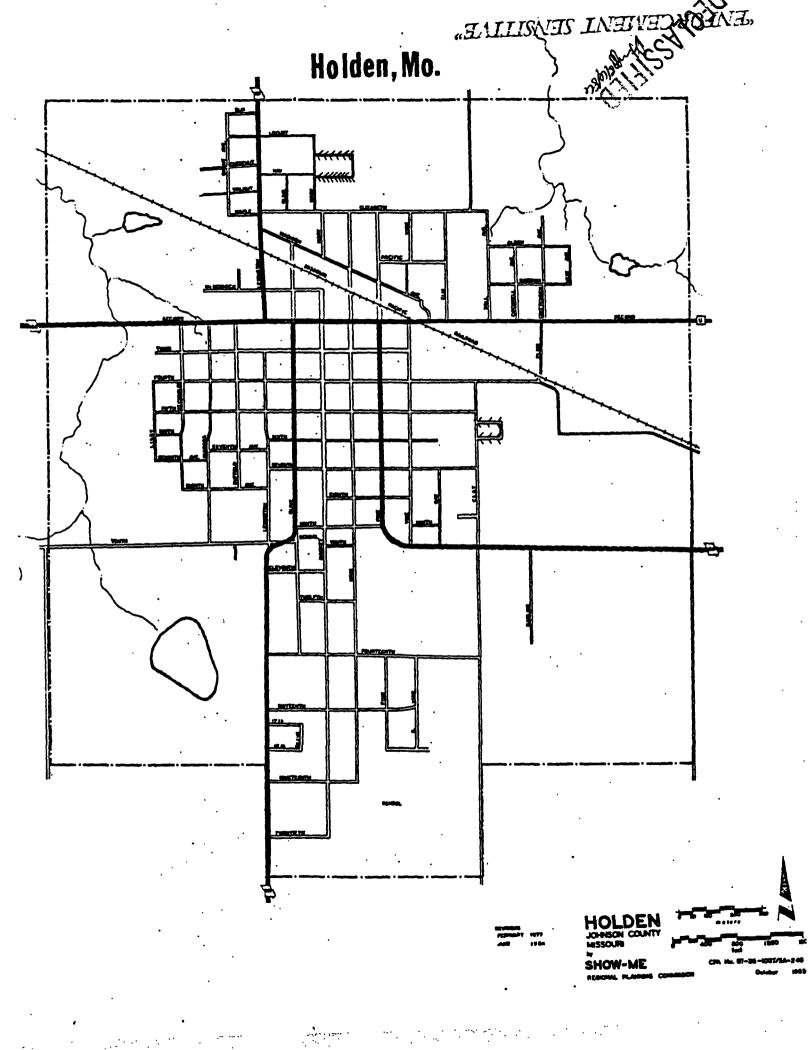
Sincerely yours,

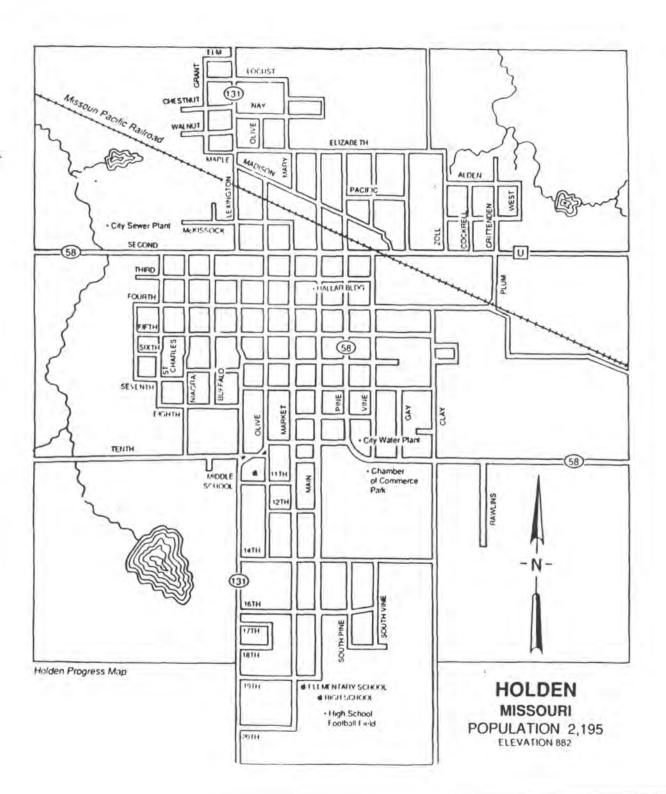
Henry F. Rompage Office of Regional Counsel

CNSL-HFR:emm-3/03/86-Disk TSCA #2

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Representing NAME Ruber B Mc Cullers EPA/TOPE JOHN F PAPSIDERD ETT KENNETT J. KULINOWSKI ETI R James ETI Duight Thomas weed JATIES GAROLINO line Chilena HENRY F. ROMPAGE EPA-REG. COURSEL Farlene Wilson EPA-CONGRESSIONAL T INTERCOVERNMENTAL LIBISON Mice How () CHOMIST Il Sout Kutmer Black 1 Ventek - City & Helle + HH - Watson, Ests, Marshali & Engyas Daniel Bukovac counsel for Lear Siegler, Inc. Scall Pemberdon -524 CKEL Robert L. Morby - EPA - Superfue Branch Steven F. Kinser FPA Compliance Section Significand Branch George K. Hess ASSIFIED DAY BLUKE





MOLDEN

MISSOURI

Conveniently Located Between K.C. And Missouri's Lakes Region



We're a Little Bit E Country...But A Great Place To Grow!

Published by The Holden Progress P.O. Box 8, Holden, MO 64040

Look What Holden Has to Offer!

Holden offers country living in a progressive setting.

It's a small, rural community with a low tax base, clean air, community pride and a productive work force.

Located in the heart of the Midwest and just 43 miles southeast of Kansas City, Holden is halfway between a major metropolitan area and Missouri's Truman Lake and Lake of the Ozarks region. It's close to all the advantages a big city offers, but is far enough away to preserve its own unique rural character.

Holden is located at the intersection of two state highways (Highway 58 and Highway 131) and is just eight miles from a major 4-lane thoroughtare (U.S. 50). The city is on the main line of the Union Pacific Railroad and less than 12 miles away from Warrensburg's Skyhaven Airport.

A Relaxed, Rural Atmosphere!

Although near a major metropolitan area, Johnson County, Missouri, is still primarily a farming and dairying area. Holden and its neighboring cities are surrounded by 270,279 acres of cropland, 226,310 acres of pasture and 40,246 acres of timber. Western Johnson County is a rolling prairie dotted with farms and small residential tracts.

The Holden and Kingsville communities are the home of a variety of light industry and small business. The Stahl Speciality Company employs more than 500 people at its plants at Kingsville and Warrensburg, the Holden Manufacturing Company and Gilcrest Equipment Company provide jobs for over 135 more Holden workers.

The business community includes several variety stores, supermarkets, clothing stores, convenience stores, pharmacy, restaurants, insurance agencles, automobile service stations and repair garages and small shops. The Holden community is served by an award-winning weekly newspaper and cable television system.

Holden has an active Chamber of Commerce

with a membership of over 100 businesses and individuals. An Industrial Development Authority has been established to help business and industry take advantage of industrial revenue bond financing.

Ample Utilities & Services!

Electric power for the city is supplied by the Missouri Public Service Company and the surrounding countryside is served by either MoPub or the West Central Rural Electric Cooperative (REC). Natural gas is available for home, business and industry from the Gas Service Company, a subsidiary of the Kansas Power and Light Company.

Holden's municipally owned water system is supplied by a new 380-acre reservoir northwest of town and the water plant has a maximum daily output of 400,000 gallons. The surrounding countryside is served by a modern rural water system.

There are two locally-owned and operated banks with assets of almost \$49 million.

Holden has seven churches, paved and welllighted streets, a police force of 5 officers, a welltrained and well-equipped volunteer fire department and 24-hour-a-day ambulance service.

The community is served by four doctors, two dentists and is less than a half hour away from the Western Missouri Medical Center in Warrensburg. Some of the best medical care in the Midwest is located less than an hour away in metropolitan Kansas City. A modern 50-bed nursing home is located at Holden's south city limits.

And Top Rated Schools!

The community is served by a top-rated AAA elementary, junior high and senior high school and is just minutes away from the Central Missouri State University campus in Warrensburg. Other community colleges and universities are nearby in the Kansas City area.

Holden's unique combination of country living near a major metropolitan area offers business, industry and individual families the opportunity to grow in a relaxed, yet progressive setting.

Come visit a livable community that is ready to serve you, your family and your business.



Holden, Missouri

Distances and direction from:

48 miles northwest
235 miles east
523 miles northeast
550 miles north
450 miles southwest
669 miles southwest
778 miles west
198 miles northwest
420 miles southeast
545 miles southeast
805 miles southeast

Average monthly temperatures:

January	28.7
February	32.5*
March	44.0*
April	56.1°
May	65.0°
June	73.9°
July	78.8°
August	77.1*
September	76.2°
October	58.0°
November	45.0°
December	33.4°

MANIFEST #	GENERATOR NAME/ADDRESS
0988	IOWA & ILLINOIS GAS & ELECTRIC ATTN: CARL SAWYER 206 E SECOND STREET DAVENPORT IA 52801
0993 0994 1011 1012 1037 1038 1131	NEW ENGLAND POWER ATTN: BOB MOON 25 RESEARCH DRIVE WESTBOROUGH MA 01581
1207 1258 1297 1298 1347	
1418 1464 1465 1466 1478	
1479 1495 1496 1499 1500	
1522 1550 1575 1576	
1577 1580 1587 1588 1589 1082	
1650 1669 1694 1695	
1704 1733 1734 1747 1776	
1778 1788 1793	

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ATTN: BART IDLE P O BOX 511 DECATER IL 62525

PAGE 2	
MANIFEST #	GENERATOR NAME/ADDRESS
1001 1002 1003 1075 1157 1159 1161 1167 1188 1190 1210 1213 1253 1254 1255 1709	SOUTHWESTERN ELECTRIC POWER COMPANY ATTN: TOM EPPERSON P O BOX 21106 SHREVEPORT LA 71156 (CONT. ON PAGE #5)
1005 1006 1007 1141 1191 1192 1193 1315 1635 1635 1636 1637 1638 1751	LOUISIANA POWER AND LIGHT ATTN: ED PETERS P O BOX 61009 NEW ORLEANS LA 70161-1009
1024	SUNOHIO ATTN: DEBBIE LUDWIG 10149 NAVARRE ROAD NAVARRE OH 44662
1716	CLIFF IMPACT DIVISION PARKER HANNIFIN ATTN: DON EHRLICK 33800 LAKELAND BLVD. EAST LAKE OH 44094
1718	LAWSON COMPANY ATTN: TERRY BONSTEEL 210 E BROAD CUYAHOGA FALLS OH 44222
1712	CITY OF ROBSTOWN UTILITIES

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MANIFEST #	GENERATOR NAME/ADDRESS
1009 ·- 1116 1117 1120 1121	WEST TEXAS UTILITIES ATTN: CARL NORTON P O BOX 841 ABILENE TX 79604
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1271 1272 1273 1274 1292 1362	
1363 1369 1696 1697 1698	ಕು
1748 1749 1750 1800	•
1016 1264 1034	COASTAL OIL AND GAS/COASTAL STATES CRUDE ATTN: SAL RISICATO P O BOX 172 HOUSTON TX 77001
1017 1307 1308 1713	NAVARRO COUNTY ELECTRIC COOP ATTN: GERALD ATKEISSON P O BOX 616 CORSICANA TX 75110
1018 1019 1068	JESS HOWARD ELECTRIC ATTN: DICK HICKEY 6630 TAYLOR ROAD BLACKLICK OH 43004
1490 1506	CAMPBELL'S SOUP COMPANY ATTN: CHARLES STRATMAN P O BOX 768 CAMDEN NJ 01810
1536 CSIFIED AND	CAMPBELL'S SOUP COMPANY ATTN: KERMIT KRAMER

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CHICAGO IL 60323
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1027	1060	IOWA PUBLIC SERVICE
1194	1262	ATTN: JACK HARDY
1195	1361	P O BOX 778
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1029		CAMPBELL'S SOUP COMPANY ATTN: BOB ERICKSON
	•	PLATTE & FACTORY STREET FREMONT NE 68025
1337		CAMPBELL'S SOUP COMPANY
1340		ATTN: P MOESZINGER
1342		6200 FRANKLIN BLVD
1343		SACRAMENTO CA 95824
1489		CAMPBELL'S SOUP COMPANY ATTN: JACK LAIRD P O BOX 29 CHESTERTOWN MD 21260
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MANIFEST #	GENERATOR NAME/ADDRESS
1030	ALEXANDRIA LIGHT AND POWER ATTN: 316 FILMORE STREET ALEXANDRIA MN 56308
1031 1547	STERLING ELECTRIC 44 S 12TH STREET MINNEAPOLIS MN 55408
1033	PEPPERIDGE FARMS ATTN: RON BROWN CHESTNUT STREET DOWNINGTON PA 19335
1590 1603 1591 1648 1649 1662 1678 1679 1700 1701 1702 1705 1714 1715	SOUTHWESTERN ELECTRIC POWER COMPANY ATTN: (CONT. FROM PAGE #2)
1792 1381 1382	CAMPBELL'S SOUP COMPANY ATTN: JIM CURREY RT 110E NAPOLEON OH 43545
1299 1300 1301 1302 1303 1304 1305 1316 1651 1652 1653 1654 1655 1656 1659 1660 1663 1664	INTERSTATE POWER ATTN: H.H. FAHERTY 1000 MAIN ST DUBUQUE IA 52001 (CONT. NEXT PAGE)

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MANIFEST #	GENERATOR NAME/ADDRESS
1666 1667 1676 1690	INTERSTATE POWER (CONT.)
1035 1767	TWIN COUNTIES ELECTRIC POWER ASSN ATTN: WALTER KENDALL P O BOX 158 HOLLONDALE MS 38748
1232 1233 1243 1040 1355 1359	THE CRETE MILLS ATTN: BOB STRAWBERRY/BEN ENS P O BOX 308 CRETE NE 68333
1044	TOPEKA WATER POLLUTION ATTN: STEVE HEFNER CITY OF TOPEKA 1101 POPULAR TOPEKA KS 66616
1055	SMOOT GRAIN COMPANY ATTN: DAN MEINHARDT P O BOX 420 SALINA KS 67402
1058	SEIRRA ELECTRIC ATTN: CHARLES HIDLER P O BOX W ELEPHANT BUTTE NM 87935
1059	AMOCCO PIPE LINE RT 3 - BOX 1 LEVELLAND TX 79336
1060	DICKENS ELECTRIC ATTN: LARRY TAYLOR P O BOX 309 SPUR TX 79370
1061	CITY OF GARDEN CITY, KANSAS

CITY OF GARDEN CITY, KANSAS ATTN: FRED SAUNDERS 'P O BOX 499 GARDEN CITY KS 67846

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MANIFEST #		GENERATOR NAME/ADDRESS	
1041 1042 1043 1056 1062 1064	••	KANSAS POWER & LIGHT ATTN: BRUCE CALER P O BOX 889 TOPEKA KS 66601 (CONT. ON NEXT PAGE)	
1065 1146 1147 1135 1138 1140	19 may 2 ,		
1148 1149 1150 1151 1154		: : : : : : : : : : : : : : : : : : :	•
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Manifest #	GENERATOR N	AME/ADDRESS
1531 1532 1581	KANSAS POWE (CONT.)	R & LIGHT
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773 775		
.063	BUNGE CORPO ATTN:	RATION
	P O BOX 799	
•	HUTCHINSON	KS 67501
1109	OMAHA PUBLI	C POWER
.110		ROZMARIN
111	1623 HARNEY	
l168 l200	OMAHA NE	68102
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1067	KALISH ELEC ATTN: BERN P O BOX 156 SUMPTER SO	TRIC
	ATTN: BERN	ARD KALISH
•	P O BOX 156	<u>`</u>

MANIFE	ST #	·	GENERATOR NAME/ADDRESS
1160 1268 1286 1306 1364 1502 1541 1563 1186 1187 1183 1345 1345	1639 1640	•	TRANSFORMER SERVICES ATTN: STEVEN BOOTH REGIONAL DRIVE CONCORD NH 03301
1431 1432 1641	٠.	· · · · ·	·
1070 1604		÷	B K ELECTRICAL COOP 412 N MAIN SEYMOUR TX 76380
1071 1605	·		FORT BELKNAP ELECTRIC COOP ATTN: JOHN HOWELL 1210 W MAIN ST OLNEY TX 76374
1074 1077 1080 1081		-	METALLURGICAL INC. ATTN: JOHN WIELGOSZ 900 E HENNEPIN AVE MINNEAPOLIS MN 55414
1076 1078 1079			CITY OF GARLAND TEXAS ATTN: DEBBIE RADER P O BOX 469002 GARLAND TX 75046-9002
1723 1275 1276 1270 1104 1721 1722	1518		COLORADO SPRINGS DEPT OF PUBLIC UTILITIES ATTN: JACK ROSS 404 W FONTANERL P O BOX 1103 COLORADO SPRINGS CO 80947
1099 1100 1101		SIFIFT BROKE	COLORADO ELECTRIC COIL ATTN: 505 ORCHARD ST GOLDEN CO 80401
1004	OI A	22.	CHAMDION INTERNATIONAL

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CHAMPION INTERNATIONAL FRENCH TOWN HILL DRAWER D

FRGE 10	
MANIFEST #	GENERATOR NAME/ADDRESS
1085	SOUTH DAKOTA SCHOOL OF MINES
	ATTN: RON GRAY
	500 E ST JOE
	RAPID CITY SD 57701
1086	HILLS MATERIAL COMPANY
	ATTN: DENNIS SMALL
	P O BOX 2320
	RAPID CITY SD 57709
1087	GRAFTON LIGHT & WATER
	ATTN: DARYLL NELSON
	P O BOX 547
	GRAFTON ND 58237
1088	MINN-KOTA ELECTRIC .
1756	ATTN: GARY KAPITY
	P O BOX 1318
	GRAND FORKS ND 58201
1089	CASS COUNTY ELEC COOP
2007	ATTN:
	P O BOX 8
•	KINDRED ND 58051
1092	UNION COUNTY ELEC
	ATTN: LARRY CHENEY
	P O BOX 459
	ELK POINT SD 57025
1093	LINCOLN UNION ELECTRIC
	ATTN: STAN BRICKHOUSE
	BOX 65
•	ALCESTER SD 57001
1102	Y W ELECTRIC ASSN INC.
	ATTN: BUD WALKER
	P O BOX 4
	AKRON CO 80720
1106	CITY OF SIDNEY ELECTRIC
1284	ATTN: ROBERT WILLIS
	1115 - 13TH AVEN
1107 CSIFIED	SIDNEY NE 69162
1107 CSIFIEL	TRANSCYCLE INC

ĺ

TRANSCYCLE INC.
ATTN: DAVE LASKIN
P O BOX 1089
NEWBURG NY 12550

MANIFEST #	GENERATOR NAME/ADDRESS
1112	OK ELECTRIC ATTN: JOHN McMAHON 3112 S 67TH STREET OMAHA NE 68106
1125	CITY OF PAOLI ATTN: HERBERT BOSTOCK S GOSPEL ST PAOLI IN 47454
1126	HENDRICKS COUNTY REMC ATTN: JOE McGEE P O BOX 309 DANVILLE IN 46122
1128 1129	ROCK ISLAND ARSENAL ATTN: BUD ALLEN P O BOX 8497 CANTON OH 44702
1134	CANEY VALLEY P O BOX 308 CEDARVALE KS 67024
1144 1145	RECOVERY SPECIALISTS ATTN: FRED FEITEL P O BOX 255 SALINE MI 48176
1163 1164	NINNESCAH ELEC ATTN: DOUG CAMPBELL P O BOX 967 PRATTE KS 67124
1175 ±561	ATHENS ELEC. DEPT ATTN: MR WILKERSON P O BOX 268 ATHENS AL 36511
1176	CITY OF CALHOUN ATTN: P O BOX 924 PARK AVENUE CALHOUN GA 30701
1177 1477	BLUE RIDGE ELEC ATTN: BILL TERRY P O BOX 112 LENIOR NC 28645

PAGE 12	
MANIFEST #	GENERATOR NAME/ADDRESS
1178	FORT KEYS ELEC COOP ATTN: CHARLES RUSSELL P O BOX 377 TAVERNIER FL 33070
1181 1182	GLADES ELEC COOP ATTN: MILES SPARTAGE P O BOX 519 MOOREHAVEN FL 33471
1226 · 1774 1227 1625 1626 1627 1629 1742	MISSOURI PUBLIC SERVICE ATTN: BOB CALLEGRI 10700 E M 350 HWY KANSAS CITY MO 64138
1455 1451 1228 1229 1230 1328 1348	NEBRASKA PUBLIC POWER ATTN: GARY SINCLAIR P O BOX 499 COLUMBUS NE 68601
1324 1791 1790 1789 1783 1781 1780 1540 1539 1538 1537 1482 1481 1476 1475 1466 1266	SAVANNAH ELECTRIC ATTN: W WATZGAR P O BOX 966 SAVANNAH GA 31402
1444 1445 1446 1447	ALABAMA ELECTRIC ATTN: EARL MCBRYDE P O BOX 550 ANDALUSIA AL 36420
1428	LIBERTY MUN. ELEC SYSTEM ATTN: DON IVY 1829 SAM HOUSTON AVE LIBERTY TX 77575

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MANIFEST #	GENERATOR NAME/ADDRESS
1235	SOUTHWESTERN NEBRASKA RURAL PUBLIC ATTN: JOHN MILLER P.O. BOX 1687 GRAND ISLAND, NE 68801
1236	VILLAGE OF BRADSHAW ATTN: MARV. STOVER BRADSHAW, NE 68319
1237 1759	CITY OF WOOD RIVER ATTN: JAMES SMITH CITY YARD WOOD RIVER, NE 68883
1238	GRIMMELL NEWBURG COMM. SCHOOL ATTN: TERRY PETERS 927 4th AVE. GRIMMELL, IA 50112
1239 1094	LAPORTE CITY UTILITIES ATTN: CHUCK UTLEY LAPORTE CITY, IA 50651
1240 1241 1319	WEBSTER CITY PRODUCTS ATTN: DARRELL WATTS 600 STOCKDALE WEBSTER CITY, IA 50595
1399 1554 1555	OLSON:AND HASSOLD : ATTN: BOB FLETT 62 EAST 26th STREET PATTERSON NJ 07514
1492	LAMBERT ELECTRIC ATTN: SID GLEASON P O BOX 10326 JEFFERSON LA 70181
1439 1438 1736 1737 1738	E & E SYSTEMS ATTN: DON VASSAR 3451 CAMPBELL TIFFANY SQUARE SPRINGFIELD, MO 65007
1440	LACLEDE CHAIN MANUFACTURING ATTN: MR. CYRE P.O. BOX 249 MARYVILLE, MO 64468

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PAGE 14	
MANIFEST #	GENERATOR NAME/ADDRESS
1460 1461	VALLEY ELECTRIC ATTN: BILL FRANZEN P O BOX 392 GLASCOW MT 59230
1485 1185 1486 1487 1488 1261 1260 1259 1602	CENTRAL LOUISIANA ELECTRIC COMPANY ATTN: PAUL TURREGANO P O BOX 510 PINEVILLE LA 71360
1622 1623 1682	1. w)
1567	CENTRAL ELECTRIC ATTN: FRED BECKER P O BOX 321 PARKER PA 16049
1491	TWIN CITIES ELEC ATTN: GARLAND MERRIDITH P O BOX 4263 MONROE LA 71211
1309 1310 1311	SAINT BERNARD ELECTRIC ATTN: EUGENE MITTANK 309 W MAIN BELLEVILLE TX 77418
1293 1294	HIGH LINE ELEC ASSN ATTN: JOHN JUNG 403 E DENVER HOLYOKE CO 80734
1313 1314 1368	SAN ANTONIO CITY SERVICE ATTN: JUDY CORONADO 145 NEVARRO SAN ANTONIO TX 78296
1469 1470	NELSON ELECTRIC ATTN: JOHN NEGRO

P O BOX 967 CEDAR RAPIDS

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PAGE 15	
MANIFEST #	GENERATOR NAME/ADDRESS
1248 1249	UNITED POWER ASSN ATTN: JIM EGGEN ELK RIVER MN 55330-0800
1509 1510 1511	ST MARY'S RB INC ATTN: RUSTY SPROAT P O BOX 1808 SUN VALLEY ID 83353
1528 1529	CONTINENTAL DIVIDE ELEC ATTN: JIM JARAMILLO P O BOX 1081 GRANTS NM 87020
1619 1620 1621	NEW ORLEANS PUB SERV ATTN: ED PETERS P O BOX 60340 NEW ORLEANS LA 70160
1617 1618 1797 1798	RELIANCE ENTERPRISE ATTN: JOHN HELFER P O BOX 1743 SANTA ROSA CA 95402
1542 1543	SEIRRA FRUIT COMPANY ATTN: ROBERT McBRIDE P O BOX 8007 SACRAMENTO CA 95818
1692 1693	DEPARTMENT OF UTILITIES ATTN: FRED AYERS 134 E 11TH ST SCHUYLER NE 68661
1680 1681	LOUP RIVER PUBLIC POWER DIST ATTN: P O BOX 988 COLUMBUS NE
1607 1608	COOKE COUNTY ELEC COOP ATTN: JERRY ADMIRE P O DRAWER 530 MUENSTER TX 76252
1683 1684 01 ASSIFIED	WHEATLAND ELECTRIC ATTN: NEAL NORMAN

"ENFORCEMENT SENSITIVE" PO BOX 130 SCOTTS CITY KS 67871

MANIFEST #	GENERATOR NAME/ADDRESS		
1442	KOSCIUSKO WATER AND LIGHT ATTN: C.E. BIRCHFIELD 204 WEST JEFFERSON ST. KOSCIUSKO, MS 39090		
1443	FAIR COUNTY ELECTRIC ATTN: JIM CARR P.O. DRAWER 351 COLUMBUS, MS 39703		
1449 1566	FARMERS RURAL ELECTRIC COOP. ATTN: BOB FORBIS 504 SOUTH BROADWAY GLASCOW, KY 42141		
1533 1462 1671 1672 1503	R.S.R. ELECTRIC COOP. ATTN: WALLACE JOHNSON MAIL DRAWER 158 MILNOR, ND 58060		
1463 1090	NORTHERN ELECTRIC COOP. ATTN: BRAD BELKER P.O. BOX 457 BATH, SD 57427		
1320	F.A.A. ATTN: MR. ADAMS 2801 McKINNLEY DES MOINES, IA 50321		
1327	PANHANDLE EASTERN PIPELINE CO. ATTN: HAL JOHNSON P.O. BOX 828 LIBERAL, KS 67901		
1344	CITY OF SABETHA ATTN: MEL MOWDER P.O. BOX 184 SABETHA, KS 66534		
1371	CITY OF LAKEVIEW ATTN: ED ARCHER 305 MAIN LAKEVIEW, IA 51450		

MANIFEST #	GENERATOR NAME/ADDRESS	
1372	K - ELECTRIC CO. ATTN: GEORGE KUZELA 4211 S. 87th STREET OMAHA, NE 68127	
1373 1374 1375	PACKAGING CORP. OF AMERICA ATTN: DON MASCARDO PO BOX 117 TAMA, IA 52339	
1376	CITY OF GALT MO ATTN: VICKIE SMITH CITY HALL GALT, MO 64641	
1377	CITY OF PRIMGHAR ATTN: LEE FERNSTROM 741 16th STREET PRIMGHAR, IA 51245	
1378	CHAMPION VALLEY FARMS ATTN: R.Z. WARD JR. 6670 LAW STREET BLOOMSBURG, PA 17815	
1383	CMI CAST PARTS, INC. ATTN: SHERM ROBINSON P.O. BOX 40 CADILLAC, MI 49601	
1384 1127 1385 1386 1387	NEWKIRK ELECTRIC ATTN: STEVE POLOSKI 1875 ROBERTS MUSKEGON, MI 49442	

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MANIFEST #	GENERATOR NAME/ADDRESS		
1367	SUNBELT TRANSFORMERS		
1263	ATTN: RANDALL MADDOX		
1766	1103 OLD TAYLOR ROAD		
1700	TEMPLE TX 76503		
1609	ADDISON CONSTRUCTION		
1586	ATTN: GARY BINDERT		
	1526 HORSE CREEK ROAD CHEYENNE WY 82009		
	CHEIENNE WI 82009		
1457	KOSTENIA ELECTRIC CO		
	ATTN: JOHN THODE		
	P O BOX "K"		
	HAYDEN LAKE ID 83835		
1546	MILLE LAC ELEC COOP		
2340	ATTN: JOHN PIERSON		
	"P O BOX 230		
	AITKIN MN 56431		
1551	PIERCE UTILITIES		
1769	ATTN:		
	114 S BROWN		
	PIERCE NE 68767 .		
1552	BLOOMINGTON PRAIRIE PUBLIC UTILITIES		
	ATTN: RICHARD KITTELSON 146 THIRD AVENUE SE	•	
	BLOOMINGTON PRAIRIE MN 55917		
1553	UNIVERSITY OF SOUTH CAROLINA		
•	ATTN: BOB MCNAUGHTON		
	743 GREEN STREET		
	COLUMBIA SC 29208		
1557	FLORIDA KEYS ELEC COOP		
1337	ATTN: EDMOND GRANT		
	P O BOX 37		
·	TAVERNIER FL 33070		
1558	KEY WEST UTILITY BOARD		
1179	ATTN: JOHN TAYLOR		
	P O DRAWER 6100		
	KEY WEST FL 33041-6100		
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MANIFEST #	GENERATOR NAME/ADDRESS
1559	NEW SMYRNA BEACH UTILITY COMMISSION
1562	ATTN: R. R. HAGEN
	P O BOX 519
	NEW SMYRNA BEACH FL 32070
1568	BREMEN ELECTRIC LIGHT & POWER CORP
	ATTN: DUDLEY KEYSER
•	123 S CENTRAL ST
	BREMEN IN 46506
1569	MANSFIELD ELECTRIC COMPANY
	ATTN: LEO MIDDEN
	P O BOX 1453
	SPRINGFIELD IL 62705
1570	BOSSIER RURAL ELECTRIC COOP
	ATTN: W. H. ANDREWS
	P O BOX 5756
	BOSSIER LA 71111
1571	STEWART & STEVENSON
	ATTN: DON BAUER
<u></u> -	8631 E FREEWAY -
	HOUSTON TX 77029
1572	CITY OF CALDWELL
1585	ATTN: TOM ZIMMERMAN
	P O BOX 39908
	SAN ANTONIA TX 78218
1706	EASTON UTILITY COMMISSION
1507	ATTN: RICHARD PLUTSCHAK
	219 N WASHINGTON ST
	EASTON MD 21601
1707	CENTRAL VIRGINIA ELECTRIC
- : 	ATTN: GERALD F REID
	P O BOX 247
	LOVINGSTON VA 22949
1708	POWER ENGINEERING & TESTING SERVICE
	ATTN: BEN BONFOLY
	4001 INDUSTRY DRIVE
	CHATTANOOGA TN 37416
	- (

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MANIFEST #	GENERATOR NAME/ADDRESS
1710 · · · · · · · · · · · · · · · · · · ·	CITY OF DALLAS ATTN: PAUL WEDEL 605 EAGLE PASADENA TX 77506
1711	WHARTON COUNTY ELECTRIC COOP INC ATTN: SCOTT NISSEN P O BOX 31 EL CAMPO TX 77437
1717	CAMSCO PRODUCE INC ATTN: DOUG FREDERICK RT #3 HOWE IN 46746
1606	JAC ELECTRICAL COOP ATTN: PURCHASING P O BOX 278 BLUE GROVE TX 76352
1779	CITY OF MUSCOUTAH ATTN: DICK SITTON 3 W MAIN ST MUSCOUTAH IL 62258
1670	McCONE ELECTRIC ATTN: HENRY GREEN P O BOX 368 CIRCLE MT 59125
1794	FIRST BAPTIST CHURCH ATTN: DEWEY COX 210 FAIRMOUNT PINEVILLE LA 71360
1673	RUNESTONE ELECTRIC ASSN ATTN: BERNIE BITZAN 7TH & FILLMORE ALEXANDRIA MN 56308
1795	CENTRAL ELECTRIC ATTN: BOBBY MURPHY 300 DOWNING PINE ROAD WEST MONROE MS 71291
OR OF CLASSIFIED BY SHOW OR OF CLASSIFIED BY SHOWING THE "	BLACK RIVER FALLS MUNC. ELEC. & WATER UTILITY ATTN:

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MANIFEST #	GENERATOR NAME/ADDRESS	
1804	NALCO CHEMICALS ATTN: DICK HUNTINGTON	
	P O DRAWER "N" FREEPORT TX 77541	
1675	DOME PIPE LINE CORP. ATTN: MEL GARRETT	
	100 PROSPECT LANE CHARLES CITY IA 50616	
1644 1645	MAINE PUBLIC SERVICE COMPANY ATTN: MR EBER	
	P O BOX 1209 PRESQUE IDE ME 04769 -	
1686	MID WEST ENERGY INC ATTN: MEL EHRLICH	
	P O BOX 898 HAYS KS 67601	
1754 1755	LIGHTHOUSE ELECTRIC COOP ATTN: JAMES MARRIDE	
	P O BOX 600 FLOYDADA FL 79235	
1687	CLOUD COUNTY COOP ATTN: DARYLL NELSON	
	P O BOX 345 CONCORDIA KS 66901	
1688	NORTH AMERICAN PHILLIPS ATTN: VERN SILNERS	
	RT 4 - BOX 57 SALINA KS 67401	
1758	GRAND ISLAND ELECTRIC DEPT. ATTN: GENE PESEK	
	P O BOX 1968 GRAND ISLAND NE 68801	
1760	OMAHA STEEL CASTING ATTN: RON HOWLETT	
	4601 FARNUM ST OMAHA NE 68106	

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MANIFEST #	GENERATOR NAME/ADDRESS
1494 · · · · · · · · · · · · · · · · · ·	REIDELL ENVIRONMENTAL SERVICE
	ATTN: PAUL TRAVOIS 529 SPIRIT OF ST LOUIS
	CHESTERFIELD MO 63017
1505	CHESAPEAKE LIGHT & WATER COMPANY
	ATTN: NORA PETRY
	13401 McCORKLE AVENUE
	CHESAPEAKE WV 25315
<u> </u>	<u> </u>
1512	WYRULEC COMPANY
	ATTN: GLEN BRENNER
	P O BOX 359
	LINGLE WY 82223
1513	BEAVER CITY MUNICIPAL
	ATTN: FARRELL BATES
	BEAVER CITY NE 68926
1510	AMEDICAN CALE
1519	AMERICAN SALT ATTN: DEBBIE SINGLETON
W 11 - 10 - 201	3142 BROADWAY
	KANSAS CITY MO 64111-2437
1525	DELTA MUNICIPAL
	ATTN: BOB CRIM
•	P O BOX 19
	DELTA CO 81416
1526	FARMINGTON ELEC UTILITY
•	ATTN: STEVE HENSON
	P O BOX 900
	FARMINGTON NM 87499
1527	SOCORRO ELEC COMPANY
1527	ATTN: CHRIS MARTINEZ
	P O BOX 8
	SOCORRO NM 87801
1530	CENTRAL NEW MEXICO ELECTRIC
	ATTN: DANNY TARR
·	BOX "K"
	MOUNTAINAIR NM 85036
1534	DEAN FOOD COMPANY
-1564	ATTN: TERRY BAUMGARD
-CLASSIFI HERE	652 W ELM STREET HIGHLAND MI 49348-0405
- VI Way. Many	, CANALOLES IN ANUMENTS

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MANIFEST #	GENERATOR NAME/ADDRESS
1535	VILLAGE OF CHELSEA
	ATTN: CHARLES HAFNER
	.104 F MIDDIE CT
	CHELSEA MI 48118
	<u> </u>
1544	SHAWANO MUNICIPAL UTILITIES
	ATTN: JIM JHANKE
	122 N SAWYER ST
	SHAWANO WI 54166
1545	CITY OF OCONTO FALLS
1545	ATTN: BILL KOKKO
	P O BOX 70
	OCONTO FALLS WI 54154
1761	AUBURN BOARD OF PUBLIC UTILITIES
1762	ATTN: LAMBERT BLECKA 1600 "O" ST
	AUBURN NE 68305 .
	AUBURN NE 663U5
1764	CITY OF MARYSVILLE .
	ATTN: PAULA HOLLE
	604 N 6TH ST
	MARYSVILLE KS 66508
1243	ELK HORN RURAL POWER DISTRICT
1243	ATTN: MILTON SMITH
·	P O BOX 310
	BATTLE CREEK NE 68715
1244	CITY OF EDGAR
	ATTN: NELSON HAMBLEN
	P O BOX 485 EDGAR NE 68935
	EUGAK NE 08933
1247	KANDIYOHI COOP ELEC POWER
	ATTN: DAVE NELSON
	RT 4
	WILLMAR MN 56201
1278	DELTA-MONTROSE ELECTRIC
	ATTN: JACK ROATCAP
	P O BOX 59
	DELTA CO 81416
1282	SHOSHONE DOWED & LIGHT

1282

SHOSHONE POWER & LIGHT ATTN: JAMES UMPHLETT P O BOX 640 CODY WY 82414

PAGE 24	:-
MANIFEST #	GENERATOR NAME/ADDRESS
1283	PIERRE MUNCIPAL POWER & LIGHT ATTN: DAVE PADGETT 222 E DAKOTA AVENUE
	PIERRE SD 57501
1287	MOR-GRAN-SOU ELEC COOP INC ATTN: PAUL HUNCOVSKY P O BOX 297
•	FLASHER ND 58535
1289	VAN BUREN LIGHT & POWER ATTN: MR MORNEAULT 67 MAIN
	VAN BUREN ME 04785
1290	CITY OF PASADENA ATTN: JOHN McGILL P O BOX 7115
	PASADENA CA 91109
1291	MASTER MAINTENANCE & TOWING 1 WOODRIDGE WOODRIDGE NJ 07095
1295	SOUTH NORWALK ELEC WORKS ATTN: MARK HARRIS P O BOX 400
	S NORWALK CT 06856
1379	W. L. WHEATLY/DIVISION OF CAMPBELL SOUP ATTN: MR NORRIS P O BOX 308

CALYTON DE 19938



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

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Spill

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Z Water
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ENFORCEMENT SENSITIVE

WASTE REMOVAL, SITE CLEAN UP, AND SITE MANAGEMENT AGREEMENT

AGREEMENT made this 8TH day of May, 1986 by and between MARTHA C. ROSE CHEMICALS, INC., a Missouri corporation with its principal office in Kansas City, Missouri (hereinafter called "Rose Chemicals") and ENVIRONMENTAL TECHNOLOGY, INC., a Delaware corporation, with its principal office in the City of North Tonawanda, New York (hereinafter called "ETI").

WITNESSETH:

WHEREAS, Rose Chemicals leases and operates a waste disposal facility at or near Holden, Missouri; and

WHEREAS, ETI is presently engaged in the hazardous waste management field and provides services to industry for such purposes, such as developing a waste management plan and providing environmental technical assistance; and

WHEREAS, Rose Chemicals is desirous of retaining the services of ETI to manage and accomplish the removal of waste presently contained in its said Holden facility and to provide site clean up work at such Holden facility as required by the EPA and Missouri Department of Natural Resources.

NOW, THEREFORE, in consideration of premises and of the mutual promises herein contained, Rose Chemical and ETI agree as follows:

- 1. Rose Chemicals agrees to allow ETI to manage, supervise, control and accomplish the removal of all hazardous waste from its said Holden facility, and to provide and accomplish site clean up at said Holden facility with the following understandings:
 - a. All such waste shall be removed and sent to an appropriate and lawful disposal facility, i.e., EPA approved secure landfills and/or EPA approved incinerators. Alternate disposal means (treatment facilities) shall not be used.
 - b. Such site clean up shall be performed to the applicable minimum EPA standards or minimum Missouri Department of Natural Resources standards, whichever is more stringent.

- c. Further said use of said Holden facility as a hazardous waste or toxic waste facility shall be thoroughly investigated by ETI, and results of the investigation shall be furnished to Rose Chemicals in writing.
- d. As part of the clean up all equipment on the premises designated by Rose shall be decontaminated to EPA and O.S.H.A. standards and so certified by ETI.
- 2. ETI shall make all management decisions and perform all work, and provide all equipment and materials, regarding:
 - a. Sorting, testing, performing the inventory, and classifying the waste materials prior to loading on transportation vehicles;
 - b. Providing transportation of the waste materials from said Holden facility to such permitted disposal facilities as it may select pursuant to la above;
 - c. Providing the necessary labor and supervision to conduct the inventory, testing, classification, sorting, and preparation for loading and loading onto transportation vehicles; and
 - d. ETI will assume the day to day management, operation and maintenance of the said Holden facility and site.
- 3. All labor undertaken or sub contracted shall be under the guidelines established by O.S.H.A.. ETI shall so manage and perform its work under this agreement to comply with all applicable federal, state, and local legal requirements, regulations, and standards (including, without limitation, the provisions of the a NPDES permit attached hereto as "Exhibit A").
- 4. ETI will absorb all of the costs of payment of its personnel as well as utilities, telephone service, insurance and all other costs incurred in performing this agreement. Rose Chemicals shall receive no monetary compensation from ETI under this agreement.
- 5. Rose Chemicals shall provide ETI access to those of its books and records, manifests and invoices necessary for ETI to determine the source from which the waste material was generated. Rose shall provide access to ETI to the site of the said Holden gardelity to perform the work called for under this Agreement.

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- 6. ETI shall have the responsibility, authority and obligation to contact each generator of the waste material in order to negotiate the identification of the waste material belonging to the generator and assisting in its removal to the disposal facility mentioned in 1a above. ETI understands that while it is being granted an exclusive right by Rose Chemicals to contact each generator, Rose Chemicals does not warrant or guarantee that any generator will use ETI in the removal of said generator's waste material.
- 7. ETI will keep Rose Chemicals informed of all contracts or transactions involving site cleanup or generators. ETI shall on request provide Rose Chemicals a copy of any written documents pertaining to any such contract or transaction during the term of this agreement and for five years thereafter. ETI is aware that an annual report must be prepared for the said Holden facility and that ETI will prepare this document and Rose Chemical will cooperate with ETI and ETI's preparation thereof.
- 8. It is agreed that ETI is an independent contractor and is not in any way to be considered an employee, agent or subcontractor of Rose Chemicals; that it is acting independently from Rose Chemicals and is not subject to any supervision or management from Rose Chemicals.
- 9. This agreement shall take effect immediately. Except as otherwise herein provided, ETI shall commence performance of this Agreement immediately. ETI's performance of the waste removal and site clean-up work provided for in this Agreement shall not commence until and unless a consent order is issued by EPA other written permission is given by the EPA Region Administrator or by the regional counsel of EPA Region VII.) providing for the waste removal and/or clean-up work required at the said Holden facility. Anything herein to the contrary notwithstanding, this Agreement may be terminated by ETI for any reason or for no reason within 90 days of the date of execution. After the initial 90 days from contract execution this contract may not be cancelled by ETI for any reason. Anything herein to the contrary notwithstanding, this agreement may be terminated by Rose Chemicals for any reason or for no reason upon 120 days advance written notice given at any time by Rose Chemicals to ETI. In the absence of such notification, this agreement shall continue in effect until all the hazardous waste at the said Holden facility is removed by ETI and disposed of hereunder and until the said clean up is completed and certified by ETI as complying with the legal standards applicable hereunder. For purposes of any notification required permitted under this Agreement, the following addresses of ETI and Rose Chemicals shall be used:

Environmental Technology, Inc. 84 Sweeney Street North Tonawanda, NY 14120 Rose Chemicals 2459 Charlotte St. Kansas City, MD 64108

IN WITNESS WHEREOF, the parties hereto have signed this Agreement effective on the day and year first above written.

MARTHA C. ROSE CHEMICALS, INC.

BY:

Walter C. Carolan

President

WITNESS:

ENVIRONMENTAL TECHNOLOGY, INC.

BY:

Philip E. Badame

President

WITNESS:

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ESCROW AGREEMENT

WHEREAS, Environmental Technology, Inc. has entered into a Management Agreement with Martha C. Rose Chemicals, Inc. for the purpose of managing and supervising the removal of waste material stored in a warehouse owned by Martha C. Rose Chemicals, Inc. in the Town of Holden, Missouri; and

WHEREAS, Environmental Technology, Inc. is contemplating entering into agreements with former customers of Martha C. Rose Chemicals, Inc. for the purpose of performing an inventory, sorting, analyzing and removing the waste material belonging to the former customers of Martha C. Rose Chemicals, Inc.; and

WHEREAS, as part of each agreement, it is required that an escrow depository be established for the purpose of receiving the funds from each customer-generator prior to Environmental Technology, Inc.'s performing any service and to be released only upon a Certificate of Disposal being received by each customer-generator from a disposal facility; and

WHEREAS, Environmental Technology, Inc. wishes to establish the escrow depository to receive deposits directly from the customer-generator whose hazardeus waste is presently being stored at the warehouse of Martha C. Rose Chemicals, Inc., and such funds so deposited are not to be released until a Certificate of Disposal is issued to and received by each customer-generator.

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. NOW, THEREFORE, the parties agree as follows:

- 1. The escrow depository shall accept deposits directly from Environmental Technology, Inc.'s customers-generators to be placed in an escrow account (hereinafter called the "account") established with the escrow depository for the payment of the costs attributable to the analysis, packaging, transportation and disposal of the customer-generator's hazardous waste.
- 2. The escrow depository shall, upon the written direction of Environmental Technology, Inc. invest the funds; provided, however, that any investment shall be made only if the daily liquidity of the funds in the account can be maintained.
- 3. To the extent that funds are available in the account, and to the extent that the escrow depository is satisfied and may do so without incurring any liability, the escrow depository shall, from time to time, release funds in the account when advised by the customer-generator making the deposit into the account that the funds may be released and that a Certificate of Disposal has been obtained.
- 4. From the funds released, the escrow depository shall, from time to time, make payments therefrom as directed by Environmental Technology, Inc., in writing, and submitted to the escrow depository at least five (5) banking days prior to the date on which a payment is requested to be made.
- 5. Environmental Technology, Inc. shall pay to the escrow depository as its fees and for its disbursements in connection with its services under this Escrow Agreement the amounts reflected on the Schedule attached hereto and made a part hereof and marked Exhibit "A". Should Environmental Technology, Inc. fail to pay promptly to the escrow depository the amount of such fees and disbursements, the escrow depository shall be entitled to be reimbursed therefor from the funds in the account.

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- 7. Without any certification, notification or consent, the escrow depository may deposit all or part of the funds in the account with a court upon receipt of any notice from a court or governmentental agency requiring it to do so without any further liability or responsibility for the escrow depository hereunder or otherwise.
- 8. The escrow depository may resign as escrow agent at any time by giving to Environmental Technology, Inc. written notice of its resignation, in which case a successor escrow agent hereunder may be appointed by a designation, in writing, signed by Environmental Technology, Inc.'s designated representative. Upon the appointment of such successor escrow agent, the escrow depository shall transfer any funds in the account to such successor escrow agent. If no such successor escrow agent is appointed within sixty (60) days of such notice, the escrow depository may, but need not, deposit any funds in the account with a court in accordance with paragraph 7 above. In either case, after such transfer, the escrow depository shall have no further liability or responsibility hereunder or otherwise.
- 9. The escrow depository shall have no duties except those which are expressly set forth herein, and shall not be liable for any action taken by it or failure to act in good faith, or believed by it to be within the rights or powers conferred upon it hereby. The escrow depository may consult with counsel of its own choice in respect of any question relating to its duties or responsibilities hereunder, and it shall not be liable for any act done or omitted by it in good faith on advice of counsel.

The eacrow-depository shall be entitled, in its discretion, to retain counsel and to incur other expenses which are reasonable and necessary in connection with the performance of its duties hereunder and to be reimbursed for reasonable counsel fees and such other expenses from the funds in the account. The escrow depository shall not be required to defend any legal proceedings which may be instituted against it in respect to the subject matter hereof, but shall be indomnified and held harmless by Environmental Technology, Inc. to the escrow depository's satisfaction against the cost and expense of any such defense if undertaken. The escrow depository shall be protected in acting under any certificate, statement, request, consent, instruction, agreement or other instrument whatsoever, not only as to its due execution and the validity and effectiveness of its provisions, but also as to the truth and acceptability of any information therein contained, which it shall in good faith believe valid and to have been signed or presented by a proper person or persons, including, without limitation, Environmental Technology, Inc.'s designated representative. The escrow depository is relieved from giving any bond or making any inventory, accounting, return or report to any court or person whatsoever. Environmental Technology, Inc. shall indemnify and hold the escrow depository harmless from any and all losses or damages that may be incurred by the escrew depository arising out of or in connection with its entering into this Agreement or carrying out its duties hereunder, and the escrow depository shall have absolutely no liability or responsibility whatsoever unless the escrow depository is finally determined by a court of competent jurisdiction to have committed an intentional wrongful act or to have been grossly negligent with respect to its duties hereunder.

- 10. This Agreement shall terminate at such time as: (a) the escrow depository shall have paid out all of the funds in the account in accordance with the provisions of this Agreement, and (b) the escrow depository shall have elected to close and shall have closed the account.
- 11. This Agreement shall be governed by and construed, interpreted and enforced in accordance with the internal law of the State of New York without regard to principles of conflict of laws.

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- 12. This Agreement is the final and complete agreement between the parties hereto concerning the account and may not be changed or terminated orally or by any course of conduct or usage of trade, but only by an agreement, in writing, duly executed by the parties hereto. If any provision of this Agreement is held to be invalid or unenforceable, such invalidity or unenforceability shall not impair or otherwise affect the validity or enforceability of any other provision of this Agreement.
- 13. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized Officers as of the day and year first above written.

ENVIRONMENTAL TECHNOLOGY, INC.
By:Philip E. Badame President
MANUFACTURERS & TRADERS TRUST CO.
Ву:
Title:

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SCHEDULE "A"

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PCB BROKER AGREEMENT

	THIS	AGRE	EMENT 1	s made	e and	dentered	into this		day of	April	19	<u>986</u>	, between
				Env	iro	nmenta	l Techn	ology					•
whose	post	offic	e box a	ddress	and	office is	located at	84	Sweene	y St.			
							nda, NY	•					
hereir	cal	led '	Broker'	and	PCB	Disposal	Systems,	Inc.,	Nissouri	corporation	having	its	principal

place of business at Rt #1, Box 159, Kingsville, Hissouri 64061, hereinafter called "Disposal Systems".

- 1. Authorized Material. It is understood by Broker that the only PCBs and PCB-contaminated items authorized and accepted for treatment and disposal at Disposal Systems' PCB facility are the following:
 - a. Askarels (PCB fluid)
 - b. PCB-contaminated liquids
 - c. PCB large high and low voltage capacitors
 - d. PCB transformers
 - e. PCB-contaminated transformers
 - f. PCB-contaminated electrical equipment
 - g. PCB-contaminated solid wastes (soil, absorbents, rags, etc.)
- 2. Charges. The transportation, storage, treatment, disposal and other charges which Broker shall pay shall be those set forth in Schedule A of this Agreement.
- 3. Loading. Broker agrees to load the material at the designated location and that such loading will be done by Broker's personnel, and that the truck driver is not required to assist in the loading. Broker agrees that the material to be loaded shall be properly classified, described, packaged, marked and labeled, and that it will be in proper condition for transportation according to the applicable standards and regulations of the Department of Transportation, United States Environmental Protection Agency, and the State of its residence and Disposal Systems agrees that it will conform with said regulations in disposing of said materials and its removal to the disposal site. The Broker agrees that it is its responsibility to comply with any special State or local regulations which the authorities make applicable to handling this material. The Broker agrees that it will advise the truck driver or Disposal Systems' employee of the contents of each drum and will specifically label each container, which contains leaking PCB equipment, with the words "Leaker(s)" or "Leaking PCB Items" or equivalent wording.
- 4. Billing Weight. For the purpose of determining the correct weight, both the Broker and Disposal Systems agree that Disposal Systems, after taking possession of the material, will weigh the material en route or at its PCB facility and that Disposal Systems' weight reading shall be binding and conclusive on both parties. Weight, if pertinent to billing, will be recorded on the billing invoice which is sent to Broker. Any weight appearing on the pertinent "Hazardous Maste" manifest is for purposes of transportation and shall be deemed an estimate; weight on manifests should appear in tilograms as well as pounds.
- 5. Billing Contamination. For the purposes of determining the correct PCB contamination level of any PCB material, both the Broker and Disposal Systems agree that all bulk, drum, or oil contained within transformers will be analyzed by Disposal Systems and Broker and that Disposal Systems' analysis shall be binding and conclusive on both parties. Pertinent gas chromatograph records will be kept on file and copies forwarded to Broker upon request.
- 6. Billing Volume. For the purposes of determining the correct volume, measured in cubic feet, both the Broker and Disposal Systems agree that the measurement performed by Disposal Systems after receiving the material shall be binding and conclusive on both parties. Copies of measurement recordings

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and calculations performed with such measurements will be kept on file and copies forwarded to Broker upon request.

- 7. Refusal of Improperly Marked Material. The Broker acknowledges that Disposal Systems has the right to refuse to accept any materials not properly labeled or packaged. Broker agrees to accept back from Disposal Systems any material that has been refused at Disposal Systems' PCB facility because of misrepresentation of the contents of any container or material, agrees to accept back ownership of said material without question or recourse, and further agrees to pay all costs incurred therein, including transportation expenses incurred by Disposal Systems. Disposal Systems has the right to refuse to accept any material that does not meet the aforesaid standards and regulations. Disposal Systems retains the exclusive right to refuse to take possession of any PCB materials of any type at the time and to take appropriate corrective actions and to return the PCB material to the Broker. The costs incurred by Disposal Systems as the result of these actions shall be reimbursed by the Broker. If for any reason beyond the control of Disposal Systems, the PCB facility is incapable of, or unavailable for disposing of said material, the Broker agrees to accept back title to the materials from Disposal Systems provided the United States Environmental Protection Agency will approve of re-assumption of ownership.
- 8. Ownership. Ownership and title to the material will pass from Broker to Disposal Systems:
 - a. If Disposal Systems furnishes transportation, at the time that a loaded vehicle leaves the Broker's premises.
 - b. if transportation is provided by Broker, title of material shall pass from Broker to Disposal Systems at such time as the material has been received, accepted and unloaded at Disposal Systems' PCB facility.

Upon transfer of ownership, Broker agrees that Disposal Systems has title to the right to exercise complete dominion over the material and has all right to recovery of this material or any credit for their potential future value.

- 9. Taxes. Any State, Federal, or local tax, including sales and use tax, imposed upon Disposal Systems by the various government authorities, including Broker's home State, for services rendered by Disposal Systems shall be passed on to the Broker and the Broker agrees to pay these taxes.
- 10. Questions of Law. Any questions of law arising out of a dispute between the parties to this Agreement shall be decided in accordance with the laws of the State of Missouri. Any unresolved dispute shall be decided by the courts of the State of Missouri and for the County of Johnson.
- 11. Loading Time. Storage and disposal prices include one hour loading time at the Broker's loading site, and Broker agrees to reimburse Disposal Systems at the rate set forth in Schedule A for reasons attributable to the Broker's unwillingness or inability to expeditiously load vehicle for all time in excess of one hour spent by Disposal Systems' employee at the loading site, and both Broker and Disposal Systems agree to the extent that the load can be properly loaded and removed from the Broker's premises.

12. Indemnification.

- a. Disposal Systems agrees to indemnify, save harmless and defend Broker from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto (including costs of defense, settlement, and reasonable attorney's fees), which it may hereafter incur, become responsible for or pay out as a result of death or bodily injuries to any person, destruction or damage to any property, contamination of or adverse effects on the environment or any violation of governmental laws, regulations or orders, caused, in whole or in part, by Disposal Systems' breach of any term or provision of this Agreement; or, any negligent or willful act or ommission of Disposal Systems, its employees or subcontractors in the performance of this Agreement.
- b. Broker agrees to indemnify, save harmless and defend Disposal Systems from and against any and all liabilities, claims, penalties, forfeitures, suits and the costs and expenses incident thereto (including costs of defense) settlement, and reasonable attorney's fees), which it may here-

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after incur, become responsible for or pay out as a result of death or bodily injury to any person, destruction or damage to any property, contamination of or adverse effects on the environment or any violation of governmental laws, regulations, or orders, caused, in whole or in part, by Broker's breach of any terms or provisions of this Agreement; or any negligent or willful act or ommission of Broker, its employees or subcontractors in the performance of this Agreement; or, the delivery to Disposal Systems from Broker of materials which do not conform to the description thereof in this Agreement.

- 13. Delinquency. If, during the term of this Agreement, either party shall become delinquent in settling its account or shall be in default of any provisions of this Agreement, the other party may suspend its performance hereunder until such delinquency or default has been corrected, provided, however, that no suspension shall be effective unless and until the complaining party has given written notice of default to the other party with at least ten (10) days to cure such default. Delinquent payments will result in loss of discount; see Article 21 of this Agreement.
- .14.' Acts of God. Any delay or failure of either party in the performance of its required obligations hereunder shall be excused if and to the extent caused by acts of God, strikes, and/or coercive action of actions, fires, flood, windstorm, explosion, riot, sabotage, court injunction or order, loss of permits and cause or causes beyond the reasonable control of the party affected, provided that a prompt notice of such delay is given by such party to the other and each of the parties hereto shall be diligent in attempting to remove such cause or causes.
- 15. Cancellation. Either party shall have the right to cancel this Agreement at any time if the other party becomes insolvent, makes an assignment for the benefit of creditors, or has a bankruptcy petition filed by or against it. Under these conditions, either party shall have the right to cancel this Agreement at any time upon giving thirty (30) days notice to the other party.
- 16. Assignments. Neither party shall assign this Agreement or any monies due or to become due to it hereunder, and any attempt to so assign shall be void without prior written consent of both parties except that this Agreement may be assigned to transferees of substantially all assets of either party and except that Disposal Systems may be permitted to assign Broker's invoices for account receivable financing.
- 17. Mon-exclusive. Unless otherwise specified and made a part hereof, this Agreement is not to be construed as granting Disposal Systems the exclusive right to haul and/or treat and dispose of Broker's PCB materials. Nor does this Agreement grant Broker the exclusive right to sell broker, or haul PCB materials for Disposal Systems. This contract specifically refers to the material outlined on Schedule A. Broker reserves the right to contract with other parties for such services as it seems necessary.
- 18. Motices. Any notice required to be given by the terms of this Agreement shall be delivered by hand or mailed, postage prepaid to Disposal Systems at the address first given above and to the Broker at the address first given above or to such other address for either party as that party may, by notice, designate.
- 19. Invoice and Payment. Broker shall pay fifty (50) per cent of disposal charges and One Hundred (100) per cent of transportation charges (if applicable) when Disposal Systems takes possession of Broker's PCB material. After delivery of said material to Disposal Systems' PCB facility, Disposal Systems shall prepare an invoice for each manifest load of material picked up at Broker's site or delivered to Disposal Systems by Broker. Forty (40) per cent of the disposal charges will be due within thirty (30) days from date of invoice. The balance, ten (10) per cent of the disposal charges, shall be due within thirty (30) days from date of invoice. The balance, ten (10) per cent of the disposal charges, shall be due within thirty (30) days from the time that Disposal Systems gives Broker written notice that disposal of that load of material is complete. In the event Disposal Systems provides transportation for Broker's material, Broker shall pay all transportation charges when Disposal Systems takes possession of Broker's material and Broker further agrees to pay excess waiting time, cleaning and related charges to Disposal Systems' at rates set forth (in Schedule A.

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- 20. Interest on Overdue Payments. Broker agrees to pay a monthly two (2) per cent interest charge on any payments not paid within the time limits indicated in Article 19.
- 21. Complete Agreement. This Agreement constitutes the entire Agreement between Disposal Systems and Broker in respect to the services and material specified, and all previous representations relative thereto, either written or oral, are hereby annulled and superseded. No modification shall be binding on either party unless it shall be in writing and signed by both parties.

IN WITNESS WHEREOF, Disposal Systems and Broker have each caused this Agreement to be executed by its duly authorized representative on the day and year set forth below.

Accepted for PCB Disposal Systems, Inc., by:	
Signed: Date: 4/11/86	
Name: Dennis Nix Title:	
Accepted for Environmental Technology	by:
Signed: 3 Co Bate: 4/14/86	
Name: Philip E. Badame Title: President	.•

Attachment: Schedule A, listing PCB material, disposal charges, transportation charges, etc., should be completed and signed by both parties and attached to this Agreement.

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	SCHEDULE A
"PCB B	chedule A is the supplemental data referenced in Sections 2, 11, 17, and 19 of the attached roker Agreement". The following schedule sets forth the material to be transferred from the to Disposal Systems, charges for same, and terms or conditions, if any.
TRANSPO	RTATION CHARGES: N/A
CHARGES	FOR EXCESS MAITING TIME: N/A
LIST AND	CHARGES FOR PCB MATERIAL:
Cost o	of 90 day burn after capacitors received
Cost o	of 60 day burn after canacitons massive a
<i>DD</i> 1	**************************************
Cost o	of 30 day burn after capacitors received\$6.00 per lb. gross weight
	100% due COD
Note:	Any discrepancy or variation in number, volume or weight will result in the unit price being reassessed. Any variation in PCB level may result in the unit price being re-evaluated. Billing will be based on material actually received.
	-

ACCEPTED	FOR DES PISPOSAL SYSTEMS BY:	ACCEPTED FOR Environmental Technology SY:
SIGNED	Carix	SIGNED
NAME:	Dennis Nix	_ NAME: Shock Bade
TITLE:	President DATE: 1/8	6 TITLE Prestdont DATE: A-14-86
This Scho STANDARD	edule A should be completed, signed, and TERMS: See Article 19 of Agreement.	attached to the corresponding "PCB Broker Agreement".

WASTE DISPOSAL ACREEMENT

On this 22nd day of October, 1985, the parties, Environmental Technology, Inc., a Delaware corporation with its principal offices at 84 Sweeney St., N. Tonawanda, NY, (hereinafter called 'Transporter'), and CHEMICAL WASTE MANAGEMENT, INC., a Delaware corporation with its principal offices at 3003 Butterfield Road, Oak Brook, Illinois 60521 (hereinafter called "CWM"), have agreed as follows:

1. WASTE MATERIALS. The term "Waste Materials" refers to those solid, liquid, semisolid, or contained gaseous materials which are described in, and which have physical, chemical, biological or radioactive constituents, characteristics and properties within the specifications stated in, the "Generator's Waste Material Profile Sheet." The term "Waste Materials" also includes those containers or packages, containing the materials proper, which are to be delivered to Disposer. The term "unit of Waste Materials" refers to a single whole container of Waste Materials (such as a barrel, drum, box, bag) or a single bulk load of Waste Materials.

Waste Materials shall be considered non-conforming if: (i) they are not in accordance with the warranties, descriptions, specifications or limitations stated in this Agreement and the Profile Sheet; or, (ii) they have constituents or components, not specifically identified in the Profile Sheet, (a) which increase the nature or extent of the hazard or risk undertaken by Disposer in agreeing to handle, store, treat or dispose of the Waste Materials, or (b) for whose storage, treatment or disposal the Storage or Disposal Facility has not been designed or permitted.

2. GENERATOR'S WASTE MATERIAL PROFILE SHEET. The "Generator's Waste Material Profile Sheet," (or "Profile Sheet"), refers to that document, in the form specified in Exhibit B, describing a particular waste stream from a particular generator of wastes. Supplemental information which Disposer requires, in explanation of Profile Sheet data, shall be attached to the Profile Sheet and be considered part thereof. Each Profile Sheet shall be individually encoded with the appropriate Disposer sales office and serial number.

It is the Transporter's responsibility to secure a complete, accurate Profile Sheet from the original generator of the Waste Materials and to assure that the Profile Sheet and any additional explanations are completed and executed by an authorized employee of the original generator. Submittal of a completed Profile Sheet to Disposer is a precondition to execution of a Supplemental Information Document. However, submittal of the Profile Sheet shall not itself bind either party to execute a Supplemental Information Document with respect to the Waste Materials described in that Profile Sheet.

3. SUPPLEMENTAL INFORMATION DOCUMENT. Where the "Supplemental Information Document" is referred to in this Agreement, the parties refer to each single entire document, in that form specified in Exhibit B, containing the information therein required and executed by the Transporter and Disposer. A completed and executed Supplemental Information Document shall include, by reference, the particular Profile Sheet to which the Supplemental Information Document relates, and the Supplemental Information Document shall be identified with the relevant Profile Sheet code number.

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A Supplemental Information Document, prepared and executed as herein required, shall be considered incorporated into this Agreement and part hereof as of the date and time of Document execution. It is the intention of the parties that each Supplemental Information Document, when incorporated into this Agreement. constitutes a separate and individual undertaking.

A Supplemental Information Document, or any amendment thereto, shall be executed only by such persons appointed as authorized agents of the parties for such purposes, which persons are identified, by name or specific position title, in Exhibit C, attached hereto and made part hereof. Either party may, by notice to the other, amend its list of authorized agents which shall be considered an amendment to Exhibit C at the time of notice receipt.

DELIVERY. Transporter shall deliver the Waste Materials to Disposer at those times and places, in those quantities, and in the manner specified in the Supplemental Information Document. Transporter shall, at the same time and place, deliver to Disposer those completed documents, shipping papers or manifests in the form and number required, for lawful transfer of the Waste Materials to Disposer, by local, state and federal laws, ordinances, rules or regulations, including, but not limited to, the Hazardous Materials Transportation Act, the Toxic Substances Control Act and the Resource Conservation and Recovery Act of 1976.

Transporter shall be responsible for off-loading the Waste Materials at those particular locations and in the manner directed by the manager of the Storage or Disposal Facility or his authorized representative, unless some other arrangement is specified in the Supplemental Information Document.

Delivery shall be considered non-conforming if not in accordance with this Section and the specifications of the Supplemental Information Document, or if not preceded by such notification as is required by Section 16 (h).

- 5. Disposer RIGHT TO INSPECTION UPON TENDER. Disposer shall have the right, but not the obligation, to inspect, sample, analyze or test any delivered Waste Materials before accepting such Materials. Failure or refusal of the Transporter to provide Disposer with access to any delivered Waste Materials, prior to Disposer's acceptance, shall be deemed a non-conforming delivery of all of the Waste Materials delivered in the same load. Disposer's exercise of or failure to exercise, its right hereunder shall not operate to relieve Transporter of its responsibility or liability under this Agreement.
- Disposer RIGHTS ON IMPROPER DELIVERY. If the Waste Materials, any unit thereof, or the delivery fail in any respect to conform to this Agreement, including the requirements of the Supplemental Information Document, Disposer may, at its exclusive option, (i) reject all Waste Materials delivered; or, (ii) accept all Waste Materials delivered; or, (iii) accept any unit or units of Waste Materials and reject the rest. Provided, however, if a particular unit of Waste Materials is determined to be non-conforming solely because of a patent non-conformity in the container, its labeling or marking, which non-conformity, if present in any other tendered container, would be visibly apparent, Disposer's option shall be limited to accepting or rejecting the particular non-conforming

Rejection of the Waste Materials must be within a reasonable time after their delivery, not to exceed them) four (24) hours. In rejecting any Waste Materials, Disposer shall orally notify the Transporter of the manner in which the Waste

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Materials or the delivery are non-conforming, such notice to be followed by written notice within five (5) business days.

7. ACCEPTANCE OF WASTE MATERIALS. Disposer shall accept any Waste Materials which are in conformance with, and which have been delivered in conformance with, this Agreement, including the Supplemental Information Document, and may accept, as provided in Section 5, non-conforming Waste Materials. The Waste Materials shall be considered accepted when both of the following have occurred: (1) Disposer has signed shipping papers or manifests, if any, which accompany the delivery; and (2) all of the Waste Materials in a particular load have been off-loaded.

Failure of Disposer to reject the Waste Materials, or any unit thereof, as provided in Section 6 shall be deemed acceptance of all tendered Waste Materials not so rejected.

Upon acceptance of the Waste Materials Disposer shall be precluded from rejecting those Waste Materials accepted and, if acceptance of any unit of Waste Materials was made with actual knowledge of a non-conformity, Disposer shall be precluded from revoking its acceptance of such unit because of such non-conformity. Acceptance of the Waste Materials, or any unit thereof, does not, however, impair, or operate as a waiver of, any remedy available to Disposer, including revocation of acceptance, in the event the Waste Materials are later discovered to be non-conforming.

8. REVOCATION OF ACCEPTANCE. Disposer may, at any time before the condition of the Waste Materials has been materially changed (such as by treatment, processing or disposal), revoke its acceptance of any unit or units of Waste Materials discovered to be non-conforming.

Discovery by Disposer that any unit of the Waste Materials is non-conforming for any reason shall be considered discovery that all like units of such Waste Materials, delivered in the same load as the non-conforming unit, are non-conforming for the same reason; provided, further, if a particular unit of Waste Materials is determined to be non-conforming solely because of patent non-conformity in the container, its labeling or marking, which non-conformity, if present in any other accepted container, would be visibly apparent, Disposer's option shall be limited to revoking acceptance of the particular non-conforming unit.

Revocation must occur within a reasonable time after Disposer actually discovers the non-conformity. In revoking its acceptance of any Waste Materials, Disposer shall notify the Transporter of the manner in which the Waste Materials are non-conforming. At the time notice of revocation is received by Transporter, Disposer shall be considered the bailee for hire of those Waste Materials whose acceptance is being revoked.

9. TRANSPORTER'S OPTIONS IN EVENT OF REJECTION OR REVOCATION OF ACCEPTANCE. In the event Disposer rejects or revokes its acceptance of Waste Materials, and at such time the Waste Materials are in Disposer's possession or control, Transporter may, within five (5) business days after receipt of notice, notify Disposer of Transporter's intent to test the Waste Materials, to verify the alleged non-conformity, or to correct any improper containerization, marking or labeling. Transporter may, if lawfully permitted, direct Disposer to arrange for such testing or corrections, pursuant to Transporter's instructions and at

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Transporter's cost. All testing or corrections must be completed within twenty-one (21) days of Transporter's receipt of the rejection or revocation notice.

Upon mutual agreement of the parties that the Waste Materials or any unit are not non-conforming for the reasons specified in Disposer's notice, the notice of rejection or revocation as to such Waste Materials or unit shall be deemed null and void as of the time of its original issuance.

10. DISPOSER OPTIONS AS TO RIGHTFULLY REJECTED OR REVOKED WASTE MATERIALS. If Disposer rejects delivery of all or any units of Waste Materials or revokes acceptance of all or any units of Waste Materials, and at the time of such rejection or revocation such Waste Materials are in Disposer's possession or control, Disposer and Transporter shall, in good faith, attempt to amend the Supplemental Information Document to provide for handling of the non-conforming materials. If the parties cannot, within a reasonable time after rejection or revocation (including any time provided for correction or testing in Section 9), agree on necessary amendments, Transporter shall make prompt arrangements for the removal of the non-conforming materials from the Storage or Disposal Facility to another lawful place of disposition.

Transporter agrees to pay Disposer its reasonable expenses and charges for handling, loading, storing, preparing for transport, transporting, storing and caring for any Waste Materials returned to Transporter pursuant to this Section.

11. STORAGE AND DISPOSAL. Disposer shall dispose of the Waste Materials at the particular facility or facilities, referred to herein as "the Disposal Facility", identified in the Supplemental Information Document. Disposer shall utilize those general storage, treatment, and disposal methods specified in the Supplemental Information Document; however, as between the parties, Disposer shall be solely responsible for determining the specific times and techniques for storage, processing, treatment and disposal of the Waste Materials.

If the Supplemental Information Document specifies that Disposer is to provide interim storage of the Waste Materials at a "Storage Facility", prior to transportation of the Waste Materials to the Disposal Facility, Disposer shall store such Waste Materials at such Storage Facility for a period not to exceed ninety (90) days, unless some other period is specified in the Supplemental Information Document.

Disposer may use, distribute or sell any of the Waste Materials, or any component or residue thereof, unless otherwise specified in the Supplemental Information Document.

- 12. TERM The term of this Agreement shall be as specified in the Supplemental Information Document, to commence on the date of execution of such Document, as provided in Section 3.
- 13. RIGHT TO TERMINATE. Either party may terminate this Agreement if the other party (i) has been adjudicated a bankrupt, or (ii) has filed a voluntary petition in bankruptcy, or (iii) has made an assignment for the benefit of creditors, or (iv) a receiver has been appointed for such party. Termination pursuant to this paragraph shall be effective for performance remaining under any and all Supplemental Information Documents.

Supplemental Information Documents.

"ENFORCEMENT SENSITIVE"

The Transporter may terminate this Agreement, with respect to performance remaining under an identified Supplemental Information Document, if, at any time after execution of such document, the specified Storage or Disposal Facility fails to obtain, or maintain as valid, any license, permit or approval required to allow lawful acceptance and storage, treatment, processing and disposal of the Waste Materials at such Facility.

Termination as provided above, or as allowed by Section 22, shall be by notice from the terminating party to the other party, specifying the reason therefor and the effective date thereof, which shall be not less than five (5) days after the date of the notice.

Termination hereunder shall operate to discharge all obligations which are executory by either party on and after the effective date of termination, but any right of a party, based on performance or a breach of this Agreement prior to the effective date of termination, shall survive.

Either party may terminate this Agreement without cause, with respect to performance remaining under an identified Supplemental Information Document, by notice from the terminating party to the other party specifying the effective date of termination which shall not be less than thirty (30) days after receipt of the notice by the non-terminating party.

The right of termination hereunder is in addition to, and not in lieu of, any right of a party to cancel this Agreement for breach of its terms or conditions.

14. COMPENSATION. For all of the Waste Products transported, stored, treated or disposed of by Disposer, the Transporter shall pay Disposer a fee, determined in accordance with the Supplemental Information Document. Disposer shall measure the Waste Products, for the purpose of computing fees, at the time and place, and in the manner, specified in the Supplemental Information Document. Disposer determinations so made shall govern unless proved to be in error by Transporter.

Fees specified in the Supplemental Information Document shall not be altered during the term of this Agreement except as follows:

- (a) Disposer may, upon thirty (30) days written notice to Transporter, increase or decrease fees specified in the Supplemental Information Document. If any Waste Products, to which such fee alterations apply, are delivered to Disposer more than thirty days after Transporter's receipt of this notice, Transporter shall be deemed to have accepted such fee alterations and the Supplemental Information Document shall be deemed amended in such respect.
- (b) If legislation or regulations, first implemented after date of execution of the Supplemental Information Document, impose taxes, tariffs, fees, surcharges or other charges upon the transportation, storage, treatment or disposal of the Waste Products, the Transporter shall reimburse Disposer for such charges upon the Disposer's submission of an invoice stating that such charges have been levied or paid.

Disposer shall submit statements to the Transporter which shall be paid by the Transporter not later than thirty (30) days from date of receipt. Disposer shall retain copies of such statements for a period of at least five (5) years, as a record of disposal.

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- 15. <u>Disposer WARRANTIES</u>. Disposer warrants and represents to the Transporter that:
 - (a) Disposer understands the currently known hazards and risks which are presented to human beings, property and the environment in the handling, storage, treatment, processing and disposal of the Waste Materials as they have been described in the Profile Sheet; and,
 - (b) Disposer is engaged in the business of disposal of industrial and other wastes, and has developed the requisite expertise for the disposal of such; and,
 - (c) Disposer will store, treat and dispose of the Waste Materials in a safe and workmanlike marmer and in full compliance with all valid and applicable statutes, ordinances, orders, rules and regulations of the federal, state and local governments in whose jurisdictions such activities are performed under this Agreement; and,
 - (d) The Storage and Disposal Facility (or Facilities) described in the Supplemental Information Document has been issued, as of the date of execution of such Document, all permits, licenses, certificates or approvals, required by valid and applicable statutes, ordinances, orders, rules and regulations of the federal, state and local governments in which such Facility is located, necessary to allow such Facility to accept and store, treat, process and dispose of the Waste Materials as described in the Profile Sheet. Disposer shall provide Transporter with reasonable advance notice if any such permit, license, certificate or approval is to expire and not be renewed during the term of a Supplemental Information Document, or becomes the subject of judicial or administrative action seeking revocation or suspension. Such notice shall also be provided if Disposer determines not to seek any necessary permit, license, certificate or approval which becomes required after execution of a Supplemental Information Document.
- 16. TRANSPORTER WARRANTIES. Transporter warrants and represents to Disposer that:
 - (a) The information contained in the Profile Sheet was entered by, and the Profile Sheet was signed by, a person employed by the actual generator of the Waste Materials, and that such person was authorized to provide such information to Disposer; and
 - (b) The description of the Waste Materials in the Supplemental Information Document is true and correct in all material respects, fairly advises Disposer of the hazards and risks known by the Transporter and the actual generator to be incident to the handling, storage and disposal of the Waste Materials to the extent such hazards and risks are not reasonably disclosed in the description of the characteristics of the Waste Materials, and is otherwise in full compliance with all materials description requirements of valid and applicable statutes, ordinances, orders, rules and regulations of the federal, state and local governments in whose jurisdictions such Waste Materials are to be handled, stored or disposed; and,



- (c) The Waste Materials to be delivered to Disposer will conform to the description provided in the Profile Sheet; and,
- (d) Transporter will not, after receiving the Waste Materials from the generator designated in the Profile Sheet, mix the Waste Materials with other materials or otherwise cause the alteration of the characteristics or components of the Waste Materials; and,
- (e) Containers of Waste Materials delivered to Disposer will conform to the container specifications, and container marking and labeling requirements provided in applicable local, state and federal laws, rules and regulations, including, but not limited to, regulations established by the United States Department of Transportation and Environmental Protection Agency; and,
- (f) Transporter has obtained, and will during the term of this Agreement maintain, all permits, licenses, certificates or approvals, required by applicable local, state and federal laws, as are necessary to allow Transporter to transport the Waste Materials to the Disposal Facility lawfully and to deliver the Waste Materials to Disposer for disposal; and,
- (g) The actual generator of the Waste Materials or Transporter will report promptly to Disposer any information obtained by the generator, at any time during the term of this Agreement, indicating that the Waste Materials present or may present a hazard or risk to persons or the environment which was not disclosed in the Profile Sheet. Such information shall include, but not be limited to, any notification of substantial risk required to be made by the generator pursuant to Section 8 or (e) of the Toxic Substances Control Act.
- (h) If regulations promulgated or revised under Section 3001 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) identify the Waste Materials as "hazardous waste," either by characteristics or listing, both the actual generator and Transporter will file or have filed, within the appropriate time, and with the appropriate governmental agency the preliminary notification required by Section 3101 (a) of the above Act; and,
- (i) If any manifest or shipping document is required, by local, state or federal law or regulations, to be delivered to Disposer at the time of Waste Materials delivery, such manifests or documents shall be delivered in the form and number required, and shall have been prepared and executed in the manner and by those persons specified, in such laws or regulations; and,
- (j) While Transporter's agents or employees are on Disposer's premises, they will comply with all federal, state or local regulations and requirements pertaining to occupational safety and health, as well as any particular work rules, practices or procedures established by Disposer for work conducted on its premises; and,

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- (k) Once Disposer accepts the Waste Materials it shall have the exclusive right to possess and control such materials (subject to its right of revocation as stated in Section 8) as provided in this Agreement; and at the time the Waste Materials are delivered to Disposer, neither Transporter nor the actual generator shall be prohibited, by any governmental law, rule, regulation, order or other legal requirement, from transferring exclusive possession and control of the Waste Materials to Disposer.
- 17. INDEMNIFICATION. Disposer agrees to indemnify and save harmless the Transporter, its present and future officers or directors (or officials), employees and agents, from and against any and all liabilities, penalties, fines, forfeitures, demands, claims, causes of action, suits, and costs and expenses incidental thereto, (including cost of defense, settlement, and reasonable attorney's fees), which any or all of them may hereafter suffer, incur, be responsible for or pay out as a result of bodily injuries (including death) to any person, damage (including loss of use) to any property (public or private), contamination of or adverse effects on the environment, or any violation or alleged violation of statutes, ordinances, orders, rules or regulations of any governmental entity or agency, directly or indirectly caused by or arising out of breach of any warranties by Disposer, or any negligent or wilful act or omission of Disposer, its employees or subcontractors in the performance of this Agreement.

The Transporter agrees to indemnify and save harmless Disposer, its present and future officers, directors, employees, agents, subcontractors and assignees, from and against any and all liabilities, penalties, fines, forfeitures, demands, claims, causes of action, suits, and costs and expenses incidental thereto, (including cost of defense, settlement, and reasonable attorney's fees), which any or all of them may hereafter suffer, incur, be responsible for or pay out as a result of bodily injuries (including death) to any person, damage (including loss of use) to any property (public or private), contamination of or adverse effects on the environment, or any violation or alleged violation of statutes, ordinances, orders, rules or regulations of any governmental entity or agency, directly or indirectly caused by, or arising out of breach of any warranties by the Transporter, or any negligent or wilful act or omission of Transporter, its employees or subcontractor in the performance of this Agreement.

18. Disposer INSURANCE. Disposer shall procure and maintain, at its expense, during the term of this Agreement, at least the following insurance:

	COVERAGE	LIMITS
(a)	Worker's Compensation	Statutory
(b)	Employer's Liability	\$500,000 each occurrence
(c)	Public Liability (bodily injury)	\$5,000,000 combined single limit
(d)	Public Liability (property damage)	Same as (c) above
(e)	Insurance required under the Resource Conservation and Recovery Act	Statutory or Regulatory

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Public Liability Insurance shall include coverage for completed operations and contractual liability under this Agreement, and shall also include the standard pollution and contamination exclusion. Disposer agrees to furnish insurance certificates, showing Disposer's compliance with the requirements of this Section, upon Transporter's request.

Each contract of insurance, and certificate of insurance, shall provide that said insurance shall not be cancelled or materially altered until at least thirty (30) days after written notice is received by the Transporter.

19. TRANSPORTER INSURANCE. Transporter shall procure and maintain, at its expense, during the term of this Agreement, at least the following insurance:

	OVERAGE	LIMITS
(a)	Worker's Compensation	Statutory
(b)	Employer's Liability	\$500,000 each occurrence
(c)	Public Liability (bodily injury & property damage)	\$5,000,000 combined single limit
(d)	Automobile Liability (bodily injury & property damage)	\$5,000,000 combined single limit
(e)	Insurance required under	Statutory or Regulatory

Public Liability Insurance shall include coverage for completed operations and contractual liability under this Agreement. Transporter agrees to furnish insurance certificates, showing Transporter's compliance with the requirements of this Section, to Disposer before Transporter delivers any Waste Materials to Disposer.

Each contract of insurance, and certificate of insurance, shall provide that said insurance shall not be cancelled or materially altered until at least thirty (30) days after written notice is received by Disposer.

20. CONFIDENTIALITY. Disposer and Transporter shall treat as confidential property and not disclose to others during or subsequent to the term of this Agreement, except as is necessary to perform this Agreement, (and then only on a confidential basis satisfactory to both parties), any information (including any technical information, experience or data) regarding the other party's plans, programs, plants, processes, products, costs, equipment, operations or customers which may come within the knowledge of the parties, their officers or their employees in the performance of this Agreement, without in each instance securing the prior written consent of the other party.

Both parties shall also treat as confidential and shall not disclose to others, except as required by law, information relating to the chemical composition of the Waste Materials or the quantity of Waste Materials delivered to Disposer by Transporter.

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Nothing above, however, shall prevent either Disposer or Transporter from disclosing to others or using in any manner information which either party can show:

- (a) Has been published and has become part of the public domain other than by acts, omissions or fault of Disposer or Transporter or their employees.
- (b) Has been furnished or made known to Disposer or Transporter by third parties (other than those acting directly or indirectly for or on behalf of Disposer or Transporter) as a matter of legal right without restrictions on its disclosure.
- (c) Was in either party's possession prior to the disclosure thereof by Transporter or Disposer to each other.

Provided, however, neither party shall release, or cause or allow the release of, information to the communications media, except as required by law, concerning the existence or terms of this Agreement or any Supplemental Information Document, including identification of the Transporter of the Waste Materials, identification of the Disposal Facility receiving the Waste Materials, or the general description, characteristics or constituents of the Waste Materials, without in each instance securing the prior written consent of the other party.

The foregoing obligations shall survive the termination or expiration of the Agreement.

- 21. WORK ON CAM'S PREMISES. Transporter, its agents and employees shall, while they are delivering or off-loading Waste Materials at the Storage or Disposal Facility, act in a safe, efficient and workmanlike fashion. The failure or refusal of any Transporter employee to so act, or to follow the lawful instructions of the operating manager of the Storage or Disposal Facility, or to follow the work rules, practices and procedures in effect at the Storage or Disposal Facility shall be grounds for the ejection of such employee from Storage or Disposal Facility premises and the removal of such employee's vehicle, whether Waste Materials have been off-loaded or not.
- 22. EXCUSE OF PERFORMANCE. The performance of this Agreement, except for the payment of money for services already rendered, may be suspended by either party in the event the transportation of Waste Materials by Transporter, or disposal of Waste Materials by Disposer are prevented by a cause or causes beyond the reasonable control of such party. Such causes shall include, but not be limited to, acts of God, acts of war, riot, fire, explosion, accident, flood, or sabotage; lack of adequate fuel, power, raw materials, labor or transportation facilities; governmental laws, regulations, requirements, orders or actions; breakage or failure of machinery or apparatus; national defense requirements; injunctions or restraining orders; labor trouble, strike, lockout or injunction (provided that neither party shall be required to settle a labor dispute against its own best judgement).

The party asserting a right to suspend performance under this Section must, within a reasonable time after he has knowledge of the effective cause, notify the other party of the cause for suspension, the performance suspended, and the anticipated duration of suspension. Upon receipt of such notice advising of a material or indefinite suspension of performance, and if such suspension substantially impairs

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the value of this Agreement to him, a party may, within a reasonable time (not to exceed thirty days), terminate this Agreement as provided in Section 13. If such notice of termination is not provided, this Agreement will lapse with respect to any performance suspended hereunder.

The party asserting a right to suspend performance hereunder shall advise the other party when the suspending event has ended, and when performance will be resumed.

- 23. INDEPENDENT CONTRACTOR. Each party is and shall perform this Agreement as an independent contractor, and as such, shall have and maintain complete control over all of its employees, agents, and operations. Neither party nor amyone employed by it shall be, represent, act, purport to act or be deemed to be the agent, representative, employee or servant of the other party.
- 24. NOTICE. Any notice, communication or statement required or permitted to be given hereunder shall be in writing and deemed to have been sufficiently given when delivered in person or by registered or certified mail, postage prepaid, return receipt requested, to the address of the respective party below:

TRANSPORTER: Environmental Technology, Inc.

84 Sweeney Street

N. Tonowanda, New York 14120

Attn: Ken Kulinowski

DISPOSER: Chemical Waste Management, Inc.

555 Metro Place North, Suite 525

Dublin, Ohio 43017

Attn: Contracts Administrator

Either party may, by notice to the other, change the addresses and names above given.

25. ENTIRE ACREMENT. This Agreement represents the entire understanding and agreement between the parties hereto relating to the transportation, storage, treatment, processing and disposal of Waste Materials and supersedes any and all prior agreements, whether written or oral, that may exist between the parties regarding same. No terms, conditions, prior course of dealing, course of performance, usage of trade, understandings, purchase orders, or agreement purporting to modify, vary, supplement or explain any provisions of this Agreement shall be effective unless in writing, signed by representatives of both parties authorized to amend this Agreement.

In no event shall the preprinted terms or conditions found on any Disposer or Transporter purchase or work order be considered an amendment or modification of this Agreement, even if such documents are signed by representatives of both parties: such preprinted terms or conditions shall be considered null and of no effect.

26. WAIVER. Any waiver by either party of any provision or condition of this Agreement shall not be construed or deemed to be a waiver of any other provision or condition of this Agreement, nor a waiver of a subsequent breach of the same provision or condition, unless such waiver be so expressed in writing and signed by the party to be bound.

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MISCELLANEOUS. The validity, interpretation and performance of this 27. Agreement shall be governed and construed in accordance with the laws of the State specified in the Supplemental Information Document.

All paragraph headings herein are for convenience only and are in no way to be construed as part of this Agreement or as a limitation of the scope of the particular sections to which they refer.

In the event of a conflict between the terms or conditions of this Agreement and those of the Supplemental Information Document, the terms and conditions of the Supplemental Information Document shall control.

28. SEPARABILITY. If any Section, subsection, sentence or clause of this Agreement shall be adjudged illegal, invalid or unenforceable, such illegality, invalidity or unenforceability shall not affect the legality, validity or enforceability of the Agreement as a whole or of any Section, subsection, sentence or clause hereof not so adjudged.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as of the day and year first above written.

ENVIRON By:	MENTAL TECHNOLOGY, INC.
Title:	President
CHEMICA	L WASTE, MANAGEMENT, INC.
Ву:	Water Shatem
Title:	

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SUPPLEMENTAL INFORMATION DOCUMENT: NUMBER 2-306-86

This Document supplements, and is part of, that certain "Waste Disposal Agreement", (hereinafter "the Agreement"), entered into by and between ENVIRONMENTAL TECHNOLOGY, INC., (hereinafter "the Transporter"), and CHEMICAL WASTE MANAGEMENT, INC., (hereinafter "the Disposer"), on January 16, 1986. The provisions of this Document shall be incorporated into the Agreement.

1. <u>DESCRIPTION OF WASTE MATERIALS</u>. The 'Waste Materials', to which the Agreement refers, are as described in the 'Generator's Waste Material Profile Sheet', Code Designation MDC E19847, attached hereto and made part hereof.

Containers are to be provided by _____ according to the following specifications:

DOT approved containers to be properly labeled according to EPA Regulations.

- 2. TENDER OF WASTE MATERIALS. Transporter shall tender or deliver the above Waste Materials to Disposer as follows:
- (a) Quantity of Waste Materials to be Tendered Over Term.
 - (1) Estimated.
 As indicated on attached Profile sheet
 - (2) Guaranteed (if applicable).
 Not Applicable
- (b) Maximum/Minimum Quantity of Waste Materials Per Tender (if tendered in installments).
 Not Applicable
- (c) Place of Tender.
 Model City Landfill
 1135 Balmer Road
 Model City, NY 14107
- (d) Time and Frequency of Tender.

 To be mutually agreed upon between Transporter and Disposer
- (e) Manner of Tender (including notification to Disposer):
 To be mutually agreed upon between Generator and Transporter

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- 3. STORAGE FACILITY. Disposer shall store the Waste Materials at the following storage facility for a period not to exceed days, from which facility the Waste Materials will then be removed to the Disposal Facility:
- (a) Name/Address of Storage Facility:
 Not Applicable
- (b) Name/Address of Facility Permittee:
 Not Applicable
- (c) Permit Number(s)/Initiation and Termination Date(s):
 Not Applicable
- (d) Permitting Authority(ies):
 Not Applicable
- 4. DISPOSAL FACILITY. Disposer shall dispose of the above Waste Materials at the following disposal facility (or facilities):
- (a) Name/Address of Disposal Facility (Facilities):
 Model City Landfill
 1135 Balmer Road
 Model City, NY 14107
- (b) Name/Address of Facility Permittee:
 Same as (a) above
- (c) Permit Number(s)/Initiation and Termination Date(s): NYD049636679
- (d) Permitting Authority(ies):
 Not applicable
- 5. <u>DISPOSAL METHODS</u>: Disposer shall utilize one or more of the following methods for the disposal of the Waste Materials:

Landfill

6. EMERGENCY SERVICES: Disposer shall provide emergency storage or disposal services, with respect to the above Waste Materials, pursuant to the following:

Not applicable

7. RECLAMATION AND/OR SALE OF WASTE MATERIALS: Disposer is authorized to reclaim, recover and sell, distribute or use the Waste Materials, their components or residues as follows:

Not Applicable

- 8. COMPENSATION. The Transporter shall compensate Disposer as follows:
- (a) For Storage and Disposal of Waste Materials.
 Not Applicable

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(b) For Disposal of Waste Materials Only.

Disposal: GROUPS NA-NB-NC-NE

\$82.00 per drum - Classified - Secure Landfill \$100.00 per drum - Unclassified - Secure Landfill

GROUP NF (CHICAGO)

\$175.00 per drum - Classified - INC.

(Requires Chicago Approval)

PLUS APPLICABLE STATE, FEDERAL AND LOCAL TAXES

(c) Emergency Services. Not Applicable

(d) Measurement of Waste Materials. Waste Materials shall be measured by Disposer for the purpose of computing fees hereunder, at the time and place, and in the manner, as follows:

Per the amount listed on the manifest. Amount is subject to physical verification and Disposer's personnel. Discrepancies will be resolved prior to final acceptance.

(e) Transporter's Billing Address. Disposer shall submit its statements to: Ms. Susan Eliah ENVIRONMENTAL TECHNOLOGY, INC. 84 Sweeney Street

North Tonawanda, New York 14120

(f) Disposer Billing Address. Disposer will issue its billings from the following:

Model City Landfill 1135 Balmer Road Model City, NY 14107

- (g) Fees Subject to Change. Fees specified in subsections (a) (c) above may be changed by Disposer upon thirty (30) days written notice to Transporter.
- TERM. The term of the Agreement, with respect to the Waste Materials covered in this document, shall be as follows: (If provision is to be made for termination without cause, upon written notice, insert such provisions below the term of the Agreement).

The term of this agreement will be in effect from the date signed below to the decision expiration date of 1-27-88. May be terminated by either party with 30 day written notification.

- 10. LAW TO GOVERN. The Agreement and this Supplemental Information Document shall be governed and construed in accordance with the laws of New York.
- 11. MISCELLANEOUS CONDITIONS 1) PACKING LIST TO BE APPROVED PRIOR TO SHIPMENT

TITOR CHAMENT CHARLASIFIE BY MENONS

By their signatures hereto, the parties agree that this Supplemental Information Document shall be considered an attachment to, and part of, that certain "Waste Disposal Agreement" identified above.

Date: 3/7/86

ENVIRONMENTAL TECHNOLOGY, INC.

By: KENNETH J. KILINOWSKI

Title: VICE PRESIDENT - SACES

CHEMICAL WASTE MANAGEMENT, INC.

By: // Atta, // / Italian.

Title: Sales Manager - Northern Region

/sw/Otto Lindeman/Model City

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BROKER HAZARDOUS WASTE INCINERATION/TREATMENT AGREEMENT

THIS AGREEMENT, made and entered into by and between ENVIRONMENTAL ECHNOLOGY, INC., a/an Delaware Corporation, hereinafter referred to s "Broker," and ENSCO, Incorporated, 1015 South Louisiana, Little_Rock,—Arkansas 72202, an Arkansas Corporation, hereinafter referred to as "ENSCO."

WITNESSETH:

WHEREAS, Broker has possession of certain hazardous waste materials and residues, hereinafter referred to as "wastes," from its operations and wishes to incinerate or treat such PCB wastes and dispose of the residues.

WHEREAS, ENSCO is in the hazardous waste treatment and disposal business and possesses expertise in treating and disposing of hazardous wastes and is willing to accept certain of Broker's wastes for treatment and disposal;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1.0 Removal, Processing, Treatment and/or Disposal of PCB Wastes
- 1.1 ENSCO shall treat and dispose of such quantities of wastes as Broker may request. A description of the wastes to be treated and disposed of by ENSCO is set forth in Schedule A attached hereto and made a part hereof. All shipments of wastes materials must be accompanied by proper D.O.T., T.S.C.A., and R.C.R.A. shipping papers and labels provided by Broker. Broker shall submit to ENSCO prior to ENSCO's acceptance of wastes, representative samples of the wastes and/or data deemed sufficient by ENSCO. That data shall designate the generator of the wastes, if known to Broker. Supplemental data shall be considered part of the Agreement. It is the Broker's responsibility to secure a complete, accurate ENSCO Waste Material Data Sheet (WMDS), if requested. Submittal of a completed and signed WMDS and supplemental data to ENSCO is a precondition to ENSCO's obligations and responsibilities under this Agreement.
- 1.2 Each party grants the other, its agents and employees, during the term of this Agreement, reasonable access to the other's premises for purposes of fulfilling obligations under this Agreement. Each party further agrees to comply with reasonable safety standards adopted by the other while on the other's premises. Broker further agrees to protect and hold confidential technologies observed while on ENSCO plant. ENSCO further agrees to protect and hold confidential all data on wastes from Broker.
- 1.3 ENSCO agrees to accept from Broker all wastes which Broker may ship and which conform to the provisions of this agreement on the term set forth in this agreement and where both parties have executed a Schedule A for such wastes.
- 1.4 Except as provided in Section 1.6 herein, title of the wastes shall be accepted by ENSCO as follows:
- (a) If ENSCO furnishes transportation, at the time that a loaded vehicle leaves the premises where the wastes are loaded:
- (b) If transportation is provided by Broker at such time as the wastes are received and accepted at ENSCO's facility.

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- 1.5 Except as provided in Section 1.6 herein, upon title being accepted by 10, ENSCO shall thereafter be wholly responsible for any bodily injury or large to the property of any person which may be caused by the wastes.
- 1.6 Broker warrants that all wastes which may be delivered to ENSCO jurguant to this Agreement shall conform to the description of wastes stated in the attached Schedule A. ENSCO shall have a reasonable time after delivery of wastes to it, to determine whether the wastes conform to the description contained in the Schedule A. If ENSCO shall determine that the wastes do not conform to the description in the Schedule A, ENSCO shall immediately notify Broker thereof. ENSCO shall then have the option, at its sole discretion, to be exercised within ten (10) days after it discovers the wastes do not conform to the description stated in the Schedule A, to notify Broker it is rejecting the wastes. ENSCO shall then have the right to prepare the wastes for lawful transportation and return them to Broker within a reasonable time, not to exceed seven days, after notice of rejection has been communicated to Broker, unless within such time the parties agree to some alternative, lawful manner of materials' disposition. Broker shall pay ENSCO's reasonable expenses and charges for handling, loading, preparing, transporting, storing and caring for rejected wastes returned to Broker as provided herein.
- 1.7 Where ENSCO provides transportation, Broker shall load the wastes onto vehicles provided by ENSCO. If wastes are spilled on the ENSCO equipment during loading operations, Broker shall thoroughly clean said equipment at the loading site thereby preventing damage to ENSCO equipment and the dripping of wastes on the roadways.
- 1.8 In the event Broker furnishes packages or containers for the wastes, Broker shall be responsible for such packages or containers as to their compliance with all rules, regulations, laws and/or ordinances which may be applicable to the safety, packaging, or transportation of such containers, including DOT regulations. In the event ENSCO furnishes such packages and containers for the wastes, ENSCO shall be responsible for such packages and containers which shall comply with all rules, regulations, laws and/or ordinances which may be applicable to the safety, packaging, or transportation of such containers, including DOT regulations.
- 1.9 Unless specific quantities of wastes are designated in the Schedule A hereto, the quantities therein stated are estimates and neither party shall be bound thereby.
- 1.10 If any permit or approval held by ENSCO and necessary for its performances of services hereunder is cancelled or modified, or threatened with cancellation or modification, in a manner which would affect ENSCO's ability to perform services hereunder, ENSCO shall promptly notify Broker.
- 1.11 If Broker submits to ENSCO a modification to the Schedule A, to add descriptions of additional wastes, ENSCO shall signify its concurrence with such modification by signing a copy thereof and returning it to Broker, whereupon ENSCO will then begin taking such wastes from Broker under the provisions of this Agreement.

- 2.0 Fee
- 2.1 The processing, treatment and disposal charges which Broker shall pay shall be those as set forth in Schedule A of this Agreement.
 - 3.0 Payment
- 3.1 An invoice shall be prepared by ENSCO for each load of wastes picked up at Broker's plant or the location stated in the Schedule A. Said invoice shall be paid by Broker within thirty (30) days from date of invoice, net terms. In the event ENSCO provides transportation for the wastes, ENSCO shall also invoice Broker for and Broker further agrees to pay transportation, cleaning and related charges to ENSCO's places of treatment and disposal at rates set forth in Schedule A.
 - 4.0 Term
- This Agreement shall commence on the date written herein and shall continue in full force and effect for a period of one (1) year and from year to year thereafter until terminated by either party, providing the other party with at least thirty (30) days prior written notice.
 - 5.0 Methods of Treatment and Disposal
- 5.1 Except as may be otherwise specifically agreed to by the parties, ENSCO shall treat and dispose of the wastes by incineration or other methods of treatment as authorized to process wastes issued by the Arkansas Department of Pollution Control and Ecology and the U.S. Environmental Protection Agency.
- 5.2 ENSCO shall provide Broker with a compliance certificate verifying that all wastes received by it has been properly treated and disposed.
 - 6.0 Compliance with Laws and Regulations
- 6.1 ENSCO shall comply with all of the existing requirements of federal, state and local laws, rules, regulations, and/or ordinances applicable to the services to be performed; and ENSCO warrants that it has and will use its best efforts to maintain all permits or other documents which are required for processing, treatment, disposal or transporting of the wastes which is or may become the subject of this Agreement. If any change occurs with respect to any such laws, rules, regulations, ordinances, permits, and/or approvals which interfere with any right or obligation contained in this Agreement, ENSCO shall promptly notify Broker. ENSCO shall promptly furnish to Broker copies of all permits or other documents currently in effect relating to the wastes to be transported, treated, stored or disposed of hereunder. If requested, ENSCO shall promptly furnish to Broker copies of all new or renewal permits or other documents applicable to this Agreement as soon as ENSCO receives same.
 - 7.0 Indemnification
- 7.1 ENSCC agrees to indemnify, save harmless and defend Broker from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto (including costs of defense, settlement, and reasonable attorneys' fees), which it may hereafter incur, become responsible for cr pay out as a result of death or bodily injuries to any person, destruction or damage to any property, contamination of or adverse effects on the environment or any violation of governmental laws, regulations or orders, caused, in whole or in part, by (i) ENSCO's breach of any term or provision of this Agreement; or, (ii) any pessigent or willful act or omission of ENSCO, its employees or subcontractors in the performance of this Agreement.

"ENFORCEMENT SENSPITVE"

- 7.2 Broker agrees to indemnify, save harmless and defend ENSCO from and against any and all liabilities, claims, penalties, forfeitures, suits and the costs and expenses incident thereto (including costs of defense, settlement, and reasonable attorneys' fees), which it may hereafter incur, become responsible for or pay out as a result of death or bodily injuries to any *person, destruction or damage to any property, contamination of or adverse effects on the environment or any violation of governmental laws, regulations or orders, caused, in whole or in part, by (i) Broker's breach of any terms or provision of this Agreement; or, (ii) any negligent or willful act or omission of Broker, its employees or subcontractors in the performance of this Agreement; or, (iii) the delivery to ENSCO from Broker of wastes which do not conform to the description thereof in Schedule A hereto.
 - 8.0 Independent Contractor
- 8.1 At all times during the term of this Agreement, ENSCO. shall be considered an independent contractor.
 - 9.0 Transportation
- 9.1 Whichever party provides transportation, said party will comply with the hazardous material regulations of the Department of Transportation as specified in CFR Title 49. The transporting party warrants that it has all permits and licenses for transporting the wastes required by state and federal regulations. The transporting party shall carry and require all carriers it engages to carry insurance equivalent to that specified in Section 12.2 of this Agreement and shall provide the other party with copies of all insurance certificates. Drivers of transportation vehicles shall comply with the other party's safety procedures shown on Plant Rules and Regulations when within said party's plant.
 - 10.0 Defaults
- 10.1 Except as provided in Section 10.2 herein, if, during the term of the Agreement, either party shall become delinquent in settling its account or shall be in default of any provisions of the Agreement, the other party may suspend its performance hereunder until such delinquency or default has been corrected, provided, however, that no suspension shall be effective unless and until the complaining party has given written notice of default to the other party with at least ten (10) days to cure such default.
- 10.2 Any delay or failure of either party in the performance of its required obligations hereunder shall be excused if and to the extent caused by acts of God, strikes, and/or coercive action of regulatory actions, fire, flood, windstorm, explosion, riot, war, sabotage, court injunction or order, loss of permits, and cause or causes beyond the reasonable control of the party affected provided that a prompt notice of such delay is given by such party to the other and each of the parties hereto shall be diligent in attempting to remove such cause or causes.
 - 11.0 Cancellation
- 11.1 Either party shall have the right to cancel this Agreement at any time if the other party becomes insolvent, makes an assignment for the benefit of creditors, or has a bankruptcy petition filed by or against it. Either party shall have the right to cancel this Agreement at any time upon giving thirty (30) days notice to the other party.

ENFORCEMENT SENSITIVE"

12.0 Insurance
12.1 ENSCO shall take out and maintain for the life of this Agreement at least the following insurance including public liability insurance, with no more than a \$50,000 deductable per occurrence:

TYPE OF INSURANCE

MINIMUM POLICY LIMITS

Worker's Compensation and Employers Liability Statutory Broad Form All States \$100,000 Each Voluntary Compensation Accident Comprehensive General Liability includes: \$1,000,000 Each Contractual Liability Products/Completed Operations, Occurence Independent Contractors : Aggregate Business Auto Policy Liability: Owned Autos, \$1,000,000 Each Hired Autos, Non-Owned Autos Accident Umbrella Liability \$4,000,000 Ea. Occ. & Aggr.

- 12.2 Every contract of insurance providing the coverages required herein shall contain the following or equivalent clause: "No cancellation or expiration of the policy shall become effective until ten (10) days from the date written notice thereof is actually received by ENSCO or Broker."
 - 13.0 Assignment
 - 13.1 Neither party shall assign this Agreement.
 - 14.0 Notice
- 14.1 Any notice required to be given by the terms of this Agreement shall be delivered by hand or be mailed, postage prepaid, to ENSCO at the following address: ENSCO, Incorporated, 1015 South Louisiana, Little Rock, Arkansas 72202; to Broker at the following address: 84 Sweeney Street North Tonawanda, New York 14120; or to such other address for either party as that party may, by notice, designate.
 - 15.0 Readings
- 15.1 Paragraph headings are for the convenience of the parties only and are not to be construed as part of this Agreement.
 - 16.0 Entire Agreement
- 16.1 This Agreement constitutes the entire Agreement between ENSCO and Broker in respect to the services and equipment specified, and all previous representations relative thereto, either written or oral, are hereby annulled and superseded. No modification shall be binding on ENSCO or Broker unless it shall be in writing and signed by both parties.
- 16.2 In no event shall the preprinted terms or conditions found on any Broker purchase or work order be considered an amendment or modification of this Agreement, even if such documents are signed by representatives of ENSCO. Such preprinted terms or conditions shall be considered null and of no effect.

IN WITNESS WHEREOF, ENSCO and Broker have each caused this Agreement to be executed by its duly authorized representative on the day and year set forth.

ACCEPTED:

ENSCO.	INCORPORATED	

Fredric M.Schwartz

TitleVice President Sales/Marketing

Date March 24, 1986

ENVIRONMENTAL TECHNOLOGY, INC.

By Wal Rodame

Title President

Date 3/14/86

01/11/85

INVENTORY

	CORRES ORIGINATOR	Subject
36	SPRATLIN - IA PUB SERV	LIST OF PCB GENERATORS
-86	CAROLAN - GENERATORS	STATUS OF COMPANY
4-86	BADAME - CAROLAN	CONFIRMING AGREEMENT TO ACQUIRE ROSE
-23-86	TRIPP - BADAME	EPA'S POSITION ON CLEANUP
4-25-86	FERGUS - SPRATUN	4-14-86 GEHERATOR'S MEETING
t-29-86	ROMPAGE - U.S. JUSTICE	TRANSMITTING LOTIGATION PACKAGE
5-1-86	BADAME - TRIPP	CLEANUP PLAN
5- 2-86	CHEM WASTE MOMT - ETT	PROPOSAL TO INCINERATE CAPA. CORES
5- 6-86	CAROLAH - TRIPP	ASSOC. W ETT - NO OTHERS WELCOME -
5- 1-%	CAROLAH - GENERATORS	STATUS OF COMPANY - ETT
5-6-86	CAROLAN - TRIPP	ASSOC. WETI - NO OTHERS WELCOME
5		GENERATOR MTG. NOTES, ATTENDEES
5-8-86		IN-HOUSE DISCUSSION NOTES
5-8-86	TCR-JS	S.E.D. CLEANUP REG V
5-8-86	TCR-JS	S.E.D. CLEANUP REG IV
5-8-86	BALAME - TRIPP	FOUR PHASE REMEDIATION PLAN
5-8-86	HIX - ETI	AGREEMENT FOR DISPOSAL
5-8-26	CCPUS, OHM - ETT	SUBCONTRACT - CLEANUP
5-9-86	TRIPP - CAROLAN	CLEAR UP REASON FOR CLOSE; GENERATOR
5-9-86	SCHAMEL, PCB Ire - BADAME	PARTICIPATE IN DISPOSAL ACTIVITIES
	MEMO LJA - STAFF	Rose contacts
Undated	DIA MAP	ROSE FACILITY
5-12-86	J. ROBINSON - SPRATLIN	STEERING COMMITTEE - (GENERATORS)
5-14-86	J. ROBINSON - GENERATORS	AMMOUNCING GENERATOR ORGANIZATION
5-14-86	FERGUS - SPRATLIN	GENERATOR MTG.
5-8-86+	AGREMENT - ROSE ETI	CLEANUP AGREEMENT
5-16-86		SPILL REFORT (TELEPHONE)
5-20-86	HESS- HENSLEY	SPILL REPORT (VISIT)
5-21-86	SPRATLIN - KAY COR	SPILL REPORT
ENFORCEMENT SENTITUE"		

		11.65
DATE	CORRES ORIGINATOR	SUBJECT
5-21-86	M'CULLERS - (TCR)	SPILL - DISPOSAL OF OIL
5-22-86	B. Jackson (TER)	REPORT - WATER ANALYSES - SPILL
	ALDERMAH (TCR)	Steering Group
	" MTG. NEMO	MTG W ETT
5-27-86	J REBINSON - SPRATLÍA	SELECTION OF CLEAN SITES -
		NEW CONTACT
5-30-86	PEMBERTON - C. SMITH .	CERCLA 106 DRDER
5-08-86	SPRATLIN	NOTES - POSITION
5-12-86	SPRATUN - JEHE ROBINSON	CLEAN SITES
5-14-86	SPRATLIN - (ETI)	HOTES
5-19-86	S.KAY, ETT - ILLINOIS POWER	ETI PROPOSED PLAN
5-21-86	J. ROBINSON - ART SPRATLIN	REQUEST FOR DOCUMENT
6-2-86	MAYS (AA, OCEM) - MORRIS KAY	\$17 TSCA REFERAL
6.3-86	J. ROBINSON TER	RE CONVERSATION WETT
6-5-86	S. PEMBERTON. AHDERSON, ATTY	RE CONPIRMATION OF 6-3-86 AGREEMENT
6-5-86	"_ KULINOWSKI.	e f
6-5.86	1 "	
6-5-86	ROMPAGE M. MURPHY	(ATTY FOR BRADSHAW NE) RE DISP.
6-6-86	BADAME M.C. Rose	TERMINATION OF AGREEMENT
6-9-86	F. MDERSON PEMBERTON	RESPONSE TO 6-5 TEMBERTON LTR)
6-10-86	le 🕶	FENCE PLAN
6-10-86	n .	SAMPLING PLAN
6-10-86	"	INVENTORY PLAN
	1	

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"ENFORCEMENT SENSITIVE"

July - Rose Chamial

JAMES R. ANDERSON, P. C.

ATTORNEY AT LAW

210 SCARRITT BUILDING

818 GRAND AVENUE

KANSAS CITY, MISSOURI €

(616) 842-1223

CERTIFIED MAIL LETTER NO. P 196 224 34 RETURN RECEIPT REQUESTED

June 10.

J. Scott Pemberton
Assistant Regional Counsel
United States Environmental
Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

In Re: Inventory Plan for Martha Docket No. 86-F-0006

Dear Mr. Pemberton:

I am now in receipt of information to the effect that Environmental Technology, Inc., which is a corporation that I do not represent, has provided the United States Environmental Protection Agency with a proposed inventory plan concerning the Martha C. Rose Chemicals, Inc. Holden, Missouri facility. I have been authorized by Martha C. Rose Chemicals, Inc. to suggest to your agency that my client endorses the inventory plan proposed by Environmental Technology, Inc.

I would ask that the United States Environmental Protection Agency fully review the referenced, proposed inventory plan for the Martha C. Rose Chemicals, Inc. Holden, Missouri facility and that it either give final written approval thereof or furnish specific information as to required changes or modifications therein at its earliest possible opportunity.

I further take this opportunity to reiterate my statements made to you in my letter dated June 9, 1986, as to the separate and distinct identities of each of the corporations and persons whom I represent, and I incorporate the same herein by reference as though fully set out.

Thank you for your attention in this regard.

ENFORCEMENT SENSITIVE'

James R. Anderson

Sincerely,

JRA:sb

American Steel Works, Inc.
W.C. Carolan Company, Inc.
Dust Suppression Systems, Inc.
Mr. Walter C. Carolan

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EPA-CNCI

JAMES R. ANDERSON, P. C.

ATTORNEY AT LAW

210 SCARRITT BUILDING

BIS GRAND AVENUE

KANSAS CITY, MISSOURI 64106

(816) 842-1223

CERTIFIED MAIL LETTER NO. P 196 224 344 RETURN RECEIPT REQUESTED

June 10, 1986

J. Scott Pemberton
Assistant Regional Counsel
United States Environmental
Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Dear Mr. Pemberton:

It is my understanding that Martha C. Rose Chemicals, Inc. has submitted a fence plan with respect to its Holden, Missouri facility to the United States Environmental Protection Agency. Although I have been informed that said fence plan included a "blue print", I have nonetheless enclosed herewith an additional copy of the drawing with respect to the fence proposed for reference purposes only. I am further informed by Martha C. Rose Chemicals, Inc. that a routing of the fence as shown on its drawing number KC619 was discussed with your representative, Mr. George Hess, who was unable to give final approval on behalf of your agency.

I reiterate earlier statements to you with respect to the financial condition of Martha C. Rose Chemicals, Inc., and specifically advise you at present that the company may well not have sufficient money to construct the proposed fence. In view of this fact, it is particularly important to Martha C. Rose Chemicals that it have final agency approval in writing before beginning any construction on the proposed fence. I would ask that the United States Environmental Protection Agency completely review the fence plan as it has been submitted herewith and earlier discussed with Mr. George Hess, and that it either give final written approval thereof or furnish specific information as to required changes or modifications therein.

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Page Two

I further take this opportunity to reiterate my statements made to you in my letter dated June 9, 1986, as to the separate and distinct identities of each of the corporations and persons whom I represent, and I incorporate the same herein by reference as though fully set out.

Thank you for your attention in this regard.

Sincerely

Anderson

JRA:sb

enclosures

cc: Martha C. Rose Chemicals, Inc. American Steel Works, Inc. W.C. Carolan Company, Inc. Dust Suppression Systems, Inc. Mr. Walter C. Carolan

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JAMES R. ANDERSON, P. C.

ATTORNEY AT LAW

TIO SCARRIII GOILDING

818 GRAND AVENUE

KANSAS CÎTY, MISSOURI 64106

(816) 642-1223

.IUN 10 1986

EPA-CNSL

June 9, 1986

J. Scott Pemberton
Assistant Regional Counsel
United States Environmental
Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

In Re: Martha C. Rose Chemicals, Inc.

Docket No. 86-F-0006

Dear Mr. Pemberton:

In response to your letter to me dated June 5, 1986, in connection with the above-captioned matter, I must respectfully disagree with your characterization as to certain events which occurred during the course of our meeting on June 3, 1986.

Whereas, I agree that I appeared as the attorney of record for Martha C. Rose Chemicals, Inc., American Steel Works, Inc., W.C. Carolan Company, Inc. and Walter C. Carolan, I disagree that Walter C. Carolan in an individual capacity promised or stated that he would undertake to accomplish certain actions pursuant to your Administrative Order. I specifically stated for the record that Mr. Carolan does not and has not, at any time, conducted business in an individual capacity at the Holden, Missouri facility nor has he ever held possessory interests with respect thereto. I now reiterate that earlier statement made and confirm it in writing. This statement with respect to Walter C. Carolan as an individual should be considered as continuing during the course of whatever conferences, negotiations and exchanges might hereafter occur. Specifically, Walter C. Carolan as an individual did not commit himself to the Environmental Protection Agency or to anyone else that he would provide sufficient personnel to timely address environmental concerns as to any alleged spill of P.C.B. contaminated oil. Neither did he state or promise to undertake spill clean-up operations, to submit a sampling and analysis plan to the Environmental Protection Agency, to verify the effectiveness of any spilled clean-up activities, to submit a plan for construction of a chain-link security fence, to provide twenty-four hours security services, to post any notices, to address Paragraph 1(b) or 1(c) of the Administrative Order in question, to submit an inventory disposal plan, to provide assurances that any plan devised, proposed or attempted can be or would be implemented, to provide funds therefore, to certify that

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any funds might be available, to provide books or records as to his individual affairs or make any other commitment which might arise out of or be in any way connected with the Administrative Order issued. In summary, Walter C. Carolan must respectfully decline to participate in an individual capacity to any extent whatsoever and denies any and all individual liability.

On a related subject, I recall stating during the course of the June 3rd meeting that Dust Suppression Systems, Inc. does not now and and never has conducted business at the Holden, Missouri facility and that it has never held a possessory interest therein. For that reason, Dust Suppression Systems, Inc. does not consider itself to be in any respect involved in your Administrative Order and will not participate as to clean-up plans nor will it open its separate corporation books and records to the agency.

Finally, there is not now nor has there ever been a "Carolan Group" as might be inferred from the context of your letter to me on June 5th. Each of the corporations which I represent is a distinct and separate entity in its own right and is recognized as having its own bona fide articles of incorporation, bylaws and other indices of corporate organization. I would again state for the record that this contention should be construed as being of a continuing nature during the entire course of any subsequent discussions, negotiations or exchanges.

Thank you for your attention in this regard.

Sincerely;

James R. Anderson

JRA:sfr

CC: Martha C. Rose Chemicals, Inc.
American Steel Works, Inc.
W.C. Carolan Company, Inc.
Dust Suppressions Systems, Inc.
Walter C. Carolan

ENTOR CEMENTALENSTINE"

84 SWEENEY ST. • NORTH TONAWANDA, NEW YORK 14120 • 716-693-7700

June 6, 1986

Martha C. Rose Chemicals, Inc. 2459 Charlotte Street Kansas City, Missouri 64108

Attention: Walter C. Carolan President

RE: AGREEMENT BETWEEN

MARTHA C. ROSE CHEMICALS, INC. and ENVIRONMENTAL TECHNOLOGY, INC.

Dear Mr. Carolan:

The Agreement of May 8, 1986 between MARTHA C. ROSE CHEMICALS, INC. and ENVIRONMENTAL TECHNOLOGY, INC. provided that commencement of the Agreement would not take place until and unless a Consent Order was issued by the Environmental Protection Agency (paragraph 9).

The Environmental Protection Agency has indicated that it will not give its consent.

Therefore, again pursuant to paragraph 9 of the Agreement dated May 8, 1986, please be advised that Environmental Technology, Inc. is electing to terminate the Agreement effective immediately.

Very truly yours,

ENVIRONMENTAL TECHNOLOGY, INC.

Philip E. Badame

President

PEB:C

cc: EPA-Region VII

(David R. Tripp, Esq.)

Lear Siegler, Inc.

City of Holden, Missouri

"ENFORCEMENT TO CITY'E"

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

June 5, 1986

Michael J. Murphy, Esq. Suite 200 York State Bank Building York, Nebraska 68467 RECEIVED

3391 & NUL

TOXICS & PESTICITION RRANCE

Dear Mr. Murphy:

Your letter of May 19, 1986, to Art Spratlin, concerning the Martha C. Rose Chemicals, Inc. company, has been referred to me for response.

Based on inspections of the Rose facility by the U.S. Environmental Protection Agency (EPA), it appears from the extremely large amount of PCBs still on site, that most of the PCBs shipped to Rose have not been disposed of properly. EPA is attempting to obtain inventory information at this time. It may be impossible to segregate the materials sent by each generator.

EPA is currently pursuing its legal options in regard to the Rose Company, and is communicating with generators who have formed a group to address the problem at Rose. As you are probably aware, the generator is liable for the ultimate disposal of its PCBs pursuant to the requirements set forth in 40 C.F.R. Part 761. To the extent that the Rose Company is unable to complete the disposal, the generators will be legally liable for the disposal of any PCBs shipped to Rose.

As mentioned above, some of the generators have formed a group and selected a steering committee and spokesman. You may want to make contact with the other generators. Enclosed is a copy of a letter which will provide you with further information.

If you have any questions, please call me at 913/236-2853.

Sincerely yours,

Henry F. Rompage

Attorney

Office of Regional Counsel

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JUN 0 6 1986

AIR AND TOXICS DIVISION

"ENFORCEMENT SENSITIVE"

ANGLE, MURPHY, VALENTINO & CAMPBELL. P.C.

ATTORNEYS AT LAW

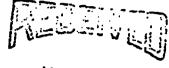
SUITE 200

WALLACE W. ANGLE MICHAEL J. MURPHY VINCENT VALENTINO CHARLES W. CAMPBELL York State Bank Building York, Nebraska 68467

May 19, 1986

TELEPHONE

402) 362-7725



MAY 21 :986

Enviornmental Protection Agency Attn: Art Spratlin 726 Minnesota Avenue Kansas City, Kansas 66101 TOXICS & PEUTICIDES
BRANCH

RE: Village of Bradshaw, Nebraska PCB Disposal

Dear Enviornmental Protection Agency:

This office is the legal counsel for the Village of Bradshaw, Nebraska. On April 24, 1984 the Village of Bradshaw did enter into a Customer Agreement with Martha C. Rose Chemicals, Inc., PCB Division, of Kansas City, Missouri for the disposal of all PCB liquids and materials. On May 10, 1985 the Village of Bradshaw did ship to Rose Chemicals hazardous waste for disposal. The understanding of our client is that the hazardous waste was received and supposedly destroyed and we are awaiting a certificate of destruction.

The reason for this letter is to advise you that all materials have been shipped to Rose Chemical and to show our good faith effort in complying with EPA regulations. We have been advised that Rose Chemical is closing its doors and we are not sure of the status of the material which we sent on May 10, 1985.

At this time we are looking for some type of guidance as to what action has to be taken so that we remain in compliance with enviornmental protection rules and regulations. We would appreciate some assistance and we will await your response.

Yours very truly,

Michael J. Murphy
For the Firm

MJM:1f

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY -

Ros fil

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

June 5, 1986

Kenneth J. Kulinowski Environmental Technology, Inc. Suite 660 Penntower 3100 Broadway Kansas City, Missouri 64111

Re: Martha C. Rose Chemicals, Inc., et al. Docket No. 86-F-0006

Dear Mr. Kulinowski:

During our meeting of June 3, 1986, representatives of Environmental Technology, Inc. (ETI) stated that the company wished to evaluate their position with respect to compliance with the terms of the Administrative Order that was issued in the above-referenced matter.

Acknowledging the fact that ETI has undertaken some response activities with respect to the May 1986 PCB spill, certain provisions of the Administrative Order that required immediate attention have not been implemented (paragraphs 1 through 5 of the Order). The Agency has agreed to extend the deadline for submitting the inventory/disposal plan to 5:00 p.m., June 17, 1986. EPA expects that, upon the submittal of an inventory/disposal plan, or any other plan, by ETI pursuant to the Order, ETI will at that time provide assurances that the plan can be and will be implemented immediately upon approval by EPA. Each plan submitted to EPA must identify the source of funds for implementation of that plan and certify that funds are available. Implementation of a plan cannot be conditioned upon obtaining future financial assistance from third parties. Funds for implementation must be available prior to submission of a plan.

Under the terms of paragraph 9 of the Order, Respondents Martha C. Rose, Inc., ETI, American Steel Works, Inc., W.C. Carolan Company, Inc., and Walter C. Carolan were required to provide, by 5:00 p.m., May 30, 1986, telephonic and written notification as to what actions said Respondents intended to

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JUN 0 6 1986

AIR AND TOXICS DIVISION

"ENFORCEMENT SENSITIVE"

undertake pursuant to the terms of paragraphs 2 through 13 of the Order. EPA agreed to extend this requirement until afterthe June 3 meeting among the concerned parties. By this letter, the new deadline for providing the required telephonic and written notification is extended to 5:00 p.m., June 10, 1986. Providing the intent to undertake any of the response actions required by the Order must be absolute and unconditional.

If you have any questions, please contact me at 236-2809.

Sincerely,

J. Scott Pemberton

Assistant Regional Counsel

cc: John F. Papsidero, Esq.
James R. Anderson, Esq.
James G. Trimble, Esq.
Daniel Bukovac, Esq.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

JUN 5 1986

James R. Anderson, Esq. 818 Grand Kansas City, Missouri 64106

TC:

- IICIDES

Re: Martha C. Rose Chemicals, Inc.

Docket No. 86-F-0006

Dear Mr. Anderson:

I am forwarding this letter to you to provide a summary of the understandings and agreements reached during our meeting on June 3, 1986. At the meeting, you appeared as the attorney representing Martha C. Rose Chemicals, Inc., American Steel Works, Inc., W.C. Carolan Company, Inc., and Walter C. Carolan (referred to collectively hereafter as the Carolan group) in the above-referenced matter.

With respect to the immediate response actions required by the Administrative Order, you and your client committed to EPA that the Carolan group will provide sufficient personnel (a total of eight by Friday, June 6, 1986) to timely address environmental concerns resulting from the May 1986 spill of PCB contaminated oil. All eight individuals to be supplied by the Carolan group will actively be engaged in full time spill clean-up operations and are in addition to personnel providing supervision or otherwise engaged in activities at the site unrelated to spill clean-up. Actions that will immediately be undertaken include: (1) the excavation and proper containerization of PCB contaminated soils/sediments from the East Branch of Pin Oak Creek; (2) excavation and proper containerization of contaminated soil around the storm sewer manhole (where the contaminated oil entered the storm sewer); and (3) removal of contaminated oil and soil from the storm sewer line and collection ponds (including decontamination of both segments of the storm sewer line).

The Carolan group will submit a sampling and analysis plan to EPA by 5:00 p.m., June 5, 1986. This plan will address the number and type of samples, as well as the manner of

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collection, that will be taken to verify the effectiveness of the spill clean-up activities. Also to be submitted by 5:00 p.m., June 5, 1986, by the Carolan group is a plan, for construction of a chain-link security fence enclosing the facility, for the providing of twenty-four (24) hour security, for the posting of the facility, and for providing an adequate warning and notification system (see paragraph 5 of the Order). While not specifically discussed at the meeting, this plan should also address paragraphs 1(b) and 1(c) of the Order. With respect to final response actions and the submittal of an inventory/disposal plan, neither the Carolan group nor Environmental Technology, Inc. were willing at the time of the meeting to commit to undertaking that action. The agency has agreed to extend the deadline for submitting the inventory/disposal plan to 5:00 p.m., June 17, 1986.

Please be advised, as a condition of this extension that EPA expects, upon the submittal of any plan pursuant to the Order (i.e. - sampling, security or inventory/disposal), the Carolan group will at that time provide assurances that the plan can be and will be implemented immediately upon approval by EPA. Each plan submitted to EPA must identify the source of funds for implementation of that plan, and certify that funds are available. Implementation of a plan cannot be conditioned upon obtaining future financial assistance from third parties. Funds for implementation must be available prior to submission of a plan.

Throughout the June 3 meeting, you represented to EPA that the Carolan group may be or is financially unable to perform all or some of the response actions required by the Order. To justify the alleged claim of financial inability, you agreed that the "books" of the Carolan group would be made available. In that regard please provide EPA, by 5:00 p.m., Friday, June 13, 1986, complete copies of all federal corporate income tax returns, accounts receivable and accounts payable logs, and financial statements for the following: (1) Martha C. Rose Chemical, Inc.; (2) American Steel Works, Inc.; (3) W.C. Carolan Company, Inc.; (4) Dust Suppression Systems, Inc.; and (5) any other company/corporation owned in whole or in part by Walter C. Carolan. In addition, please provide complete copies of federal individual income tax returns for Walter C. Carolan. All documents to be provided should be for the years 1982 through the present. The business submitting information pursuant to this paragraph may, if it desires and if it is appropriate, assert a business confidentiality claim covering part or all of the information, in the

manner described by 40 C.F.R. §2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the business. Regulations pertaining to confidential business information are contained in Subpart B of 40 C.F.R. Part 2 (1985), as amended at 50 Fed. Reg. 51654 et seq. (December 18, 1985).

Under the terms of paragraph 9 of the Order, Respondents Martha C. Rose Chemicals, Inc., Environmental Technology, Inc., American Steel Works, Inc., W.C. Carolan Company, Inc., and Walter C. Carolan were required to provide, by 5:00 p.m., May 30, 1986, telephonic and written notification as to what actions said Respondents intended to undertake pursuant to the terms of paragraphs 2 through 13 of the Order. EPA agreed to extend this requirement until after the June 3 meeting among the concerned parties. By this letter, the deadline set for providing the required telephonic and written notification is extended to 5:00 p.m., June 10, 1986. Your response of the intent to undertake any of the response actions required by the Order must be absolute and unconditional.

If you have questions regarding this letter, please call me at 236-2809.

Sincerely,

J. Scott Pemberton

Assistant Regional Counsel

cc: John F. Papsidero, Esq. Kenneth J. Kulinowski James G. Trimble, Esq. Daniel Bukovac, Esq.

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June 3, 1986

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Telephone Conference Memorandum

Rose Chemical Steering Committee

On June 3, 1986 I received a phone call from Mr. Ken Kulinowski, the Vice President of Operations of Environmental Technology, Inc. (ETI). The salient points from that conversation follow:

- o ETI is very concerned about the spill that occurred at the Rose Chemical site on Memorial Day weekend. He asked if the generators were concerned. I told him yes, the generator were concerned and that it was the desire of the generators that Rose Chemical and ETI properly clean the spill up.
- He said ETI is afraid that contamination from the spill can spread if it rains. I responded that I hoped they were able to adequately contain the spill.
- o He finally asked if we were really concerned about the spill or not. I advised that we were and that I hoped they cleaned it up but that we normally did not call upon others to help us after we had a PCB spill. At that point, we quit discussing the spill.
- o Mr. Kulinowski wondered what we felt our responsiblity was regarding the Section 126 order. I told Mr. Kulinowski that we felt that it was proper for Rose and the associated parties to dispose of the materials remaining on-site and clean the site up as EPA was requesting through the order.
- Mr. Kulinowski indicated he would like to make a presentation of the capabilities of ETI to the generators. I said that if the generators determined that it was necessary to clean up the site that the Technical Subcommittee would then be talking to people qualified to clean up the site and that we would consider ETI's qualifications at that time.
- Mr. Kulinowski indicated that there were 30 to 50 small generators (including one small utility in Florida) anxious to come to the site and take their materials off-site. He indicated there were no large generators in this category. I asked him what EPA's thoughts were on people removing their materials from the site. Mr. Kulinowski had no ready answer for that question.

Jene L. Robinson

JLR7:dmf

cc: Art Spratlin - USEPA, Region VII
Sheldon A. Zabel - Schiff, Hardin & Waite
Rose Chemical Steering Committee
Jim Kohanek - Clean Sites

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"ENFORCEMENT SENTED TO THE

AIR AND TOXICS DIVISION



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

MAY 3 0 1986

MEMORANDUM

SUBJECT: Martha C. Rose Chemicals, Inc., et al.

CERCLA 106 Administrative Order

FROM:

Scott Pemberton

Assistant Regional Counsel

JUN 2 1986

TO:

Craig Smith

Chief, RCOM

TOXICS & PESTICIDES

BRANCH

Leo Alderman Chief, TOPE

In response to the Administrative Order issued by EPA pursuant to Section 106 of CERCLA, Respondents, Martha C. Rose Chemicals/Walter Carolan have requested a meeting on Tuesday. June 3, 1986 in our offices to discuss the terms of the Order. Also attending the meeting will be John Papsidero, Attorney for ETI and Dan Buckavic, Attorney for Lear Siegler. I agreed to extend the response time specified in paragraph 9 of the Order to a time after the Tuesday meeting based upon Respondent's assurances that necessary spill clean-up activities would continue and that Rose Chemicals/Walter Carolan would provide. as of 8:00 a.m. Thursday, May 29, twenty-four hour security at the Holden facility until the security fence is erected. Jim Anderson, Attorney for Rose Chemicals, indicated that Lear Siegler may be willing to provide a portion of the security measures required by the terms of the Order (fencing and guard service).

I believe the Agency should be prepared to discuss the following issues with the Respondents at the June 3rd meeting.

(1) The May 12-16 PCB Spill. The specific measures taken by the Respondents with respect to spill cleanup activities, including extent of clean-up, storage/ disposal of materials excavated, the extent of cleanup verification sampling and results of analyses, and what has been done with the tanker touck(s).

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- (2) Restriction of Access and Site Security. The quality of the twenty-four hour security being provided. What EPA expects as an adequate security fence will have to be resolved. I have informed a representative of American Steel that, a six-foot chain link fence with barbed wire at the top would probably be acceptable. Anything less than a six-foot fence, the Respondents would have to provide justification (which I believe they intend to do). The extent of the warning and notification systems and posting of the site will have to be addressed.
- (3) Inventory and Disposal Plan. ETI has stated that such a plan has already been submitted. The Agency should be ready at the meeting, to discuss the defi-ciencies of that plan. One of the basic problems with ETI's proposal is that it is based on the assumption that all the generators, or at least a significant portion of the generators, will contribute sufficient funds for the implementation of an inventory/disposal plan. A representative of the group of generators who have formed a committee to address the problems at the Holden facility has indicated to me that this group of generators has not committed to the ETI plan and are less than enthusiastic about doing so at this time. The Agency must be prepared to demand assurances from the Respondents that inventory and proper disposal will be completed regardless of whether or not additional funding is obtained from the generators.

We should be prepared to identify any additional sampling and analyses or investigative work that will be required to determine extent of PCB contamination resulting from past releases of PCBs into the environment.

Assuming Respondents intend to submit an inventory/disposal plan to EPA, it may be useful and time-saving to provide an outline of what will be required in an approved plan. If relevant generic protocols (i.e., health and safety plan or sampling plan) are available, we should probably provide the Respondents with copies.

cc: George Hess - ENSV
Henry Rompage - CNSL
Steve Kinser - SPFD
Ruben McCullers - TOPE

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Phone Memorandum

Rose Chemical Steering Committee

On May 21, 1986, I received a phone call from Mr. Ken Kulinowski, the Vice President of Disposal Operations of Environmental Technology, Inc. (ETI). The salient points from that conversation follow:

- o It is probably feasible to match a high percentage of the materials remaining at the site with the generators of the materials.
- o __The Rose Chemical "Work Order" records appear to be about 85% accurate although there is more material at the site than is shown on those records.
- o Mr. Kulinowski was very realistic during this conversation in that he indicated ETI is interested in having an opportunity to be considered as a disposer of the materials at the site. There was no indication during the conversation that ETI felt they were in a position, or even desirous, of forcing the generators to use their services as a result of some agreement with Rose Chemical.
- o Mr. Kulinowski indicated that ETI had reservations at various incineration facilities that would allow for quick disposal of the materials at the site that can be incinerated. He also indicated they had other arrangements with final disposal facilities that would be of advantage to the generators. I told Mr. Kulinowski that the Steering Committee was forming a Technical Subcommittee that would be addressing cleanup of the site and that the generators would consider any proposal that ETI wished to make.
- o I advised Mr. Kulinowski the more complete their proposal was the better it would be received by the generators.
- o I advised that any information ETI could provide on the history of its company and its officers would also be appreciated by the generators.
- o I advised Mr. Kulinowski that if he would send this information to me I would forward it to the Technical Subcommittee of the Steering Committee.

Jene I Robinson

Done of Thin mere

ROSE: dmf

cc: Art Spratlin - USEPA, Region VII
Sheldon A. Zabel - Schiff, Hardin & Waite
Rose Chemical Steeping Committee
Jim Kohanek - Clean Sites, Inc.

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ILLINOIS POWER COMPANY



500 SOUTH 27TH STREET, DECATUR, ILLINOIS 62525-1805

May 27, 1986

Mr. Art Spratlin
Director, Air & Waste Toxics Management Division
U. S. Environmental Protection Agency, Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Dear Art:

The Rose Chemical Steering Committee met on May 22, 1986 in St. Louis. At that meeting it was agreed to employ Clean Sites, Inc. In that respect, Clean Sites will be the neutral party acting on behalf of the generators. Hence, it would be appropriate if you would want to reference any telephone calls from generators to Clean Sites, Inc. in care of Jim Kohanek or Nancy Newkirk at phone number 703/683-8522. Specifically, we are trying to take Ms. Paige Hall out of that telephone call loop. I will still communicate with you and other persons at Region VII on behalf of the generators and as Chairman and Potential Responsible Party Executive of the Rose Chemical Steering Committee.

Legal counsel assigned to the Steering Committee for purposes of interacting with USEPA, Region VII is Schiff, Hardin & Waite. The primary lawyer assigned to the Steering Committee is Mr. Sheldon A. Zabel. Mr. Zabel's phone number is 312/876-1000. Mr. Zabel will be contacting Messrs. Tripp and Patrick in the Regional Counsel's office in the near term to initiate formal requests of various sorts of information.

Sincerely,

ILLINOIS POWER COMPANY

Jene L. Robinson

Chairmar

Rose Chemical Steering Committee

cc: P. J. Womeldorff - B-20 Jim Kohanek, Clean Sites

Sheldon A. Zabel - Schiff, Hardin & Waite

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MAY 2 9 1986

AIR AND TOXICS DIVISION

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Summary of Telephone Call

DATE:

BETWEEN: William A. Spratlin, EPA ARTX

Leo J. Alderman, EPA ARTX/TOPE Jene Robinson, Illinois Power

SUBJECT:

Jene called to inform me that the generators of material at Martha C. Rose met in St. Louis and that the generators had formed a steering committee.

Jene is the Chairman of the Committee. There are about 50 in attendance. The City of Colorado Springs presented slides of the MCR site. Counsel for the lease, Ziegler, also attended the meeting. Jene asked that all correspondence from generators or vendors be directed to Page Hall (Jene's assistant), and all correspondence from EPA to Jene Robinson:

Jene anticipated another meeting around May 22.

Page Hall can be contacted at (217) 424-7087.

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WASTE REMOVAL, SITE CLEAN UP. AND SITE MANAGEMENT AGREEMENT

AGREEMENT made this 8TH day of May, 1986 by and between MARTHA C. ROSE CHEMICALS, INC., a Missouri corporation with its principal office in Kansas City, Missouri (hereinafter called "Rose Chemicals") and ENVIRONMENTAL TECHNOLOGY, INC., a Delaware corporation, with its principal office in the City of North Tonawanda, New York (hereinafter called "ETI").

WITNESSETH:

WHEREAS, Rose Chemicals leases and operates a waste disposal facility at or near Holden, Missouri; and

WHEREAS, ETI is presently engaged in the hazardous waste management field and provides services to industry for such purposes, such as developing a waste management plan and providing environmental technical assistance; and

WHEREAS, Rose Chemicals is desirous of retaining the services of ETI to manage and accomplish the removal of waste presently contained in its said Holden facility and to provide site clean up work at such Holden facility as required by the EPA and Missouri Department of Natural Resources.

NOW, THEREFORE, in consideration of premises and of the mutual promises herein contained, Rose Chemical and ETI agree as follows:

- 1. Rose Chemicals agrees to allow ETI to manage, supervise, control and accomplish the removal of all hazardous waste from its said Holden facility, and to provide and accomplish site clean up at said Holden facility with the following understandings:
 - a. All such waste shall be removed and sent to an appropriate and lawful disposal facility, i.e., EPA approved secure landfills and/or EPA approved incinerators. Alternate disposal means (treatment facilities) shall not be used.

Such site clean up shall be performed to the applicable minimum EPA standards or minimum Missouri Department of Natural Resources standards, whichever is more stringent.

DECLASSIFICIAL.

- r. Further said use of said Holden facility as a hazardous waste or toxic waste facility shall be thoroughly investigated by ETI, and results of the investigation shall be furnished to Rose Chemicals in writing.
- d. As part of the clean up all equipment on the premises designated by Rose shall be decontaminated to EPA and O.S.H.A. standards and so certified by ETI.
- 2. ETI shall make all management decisions and perform all work, and provide all equipment and materials, regarding:
 - a. Sorting, testing, performing the inventory, and classifying the waste materials prior to loading on transportation vehicles;
 - b. Providing transportation of the waste materials from said Holden facility to such permitted disposal facilities as it may select pursuant to la above:
 - c. Providing the necessary labor and supervision to conduct the inventory, testing, classification, sorting, and preparation for loading and loading onto transportation vehicles; and
 - d. ETI will assume the day to day management, operation and maintenance of the said Holden facility and site.
- 3. All labor undertaken or sub contracted shall be under the guidelines established by 0.5.H.A.. ETI shall so manage and perform its work under this agreement to comply with all applicable federal, state, and local legal requirements, regulations, and standards (including, without limitation, the provisions of the a NPDES permit attached hereto as "Exhibit A").
- 4. ETI will absorb all of the costs of payment of its personnel as well as utilities, telephone service, insurance and all other costs incurred in performing this agreement. Rose Chemicals shall receive no monetary compensation from ETI under this agreement.
- 5. Rose Chemicals shall provide ETI access to those of its chooks and records, manifests and invoices necessary for ETI to determine the source from which the waste material was generated. Rose shall provide access to ETI to the site of the said Holden facility to perform the work called for under this Agreement.

- 6. ETI shall have the responsibility, authority and obligation to contact each generator of the waste material in order to negotiate the identification of the waste material belonging to the generator and assisting in its removal to the disposal facility mentioned in 1a above. ETI understands that while it is being granted an exclusive right by Rose Chemicals to contact each generator, Rose Chemicals does not warrant or guarantee that any generator will use ETI in the removal of said generator's waste material.
 - 7. ETI will keep Rose Chemicals informed of all contracts or transactions involving site cleanup or generators. ETI shall on request provide Rose Chemicals a copy of any written documents pertaining to any such contract or transaction during the term of this agreement and for five years thereafter. ETI is aware that an annual report must be prepared for the said Holden facility and that ETI will prepare this document and Rose Chemical will cooperate with ETI and ETI's preparation thereof.
 - 8: It is agreed that ETI is an independent contractor and is not in any way to be considered an employee, agent or subcontractor of Rose Chemicals; that it is acting independently from Rose Chemicals and is not subject to any supervision or management from Rose Chemicals.
 - This agreement shall take effect immediately. Except as otherwise herein provided, ETI shall commence performance of this Agreement immediately. ETI's performance of the waste removal and site clean-up work provided for in this Agreement shall not commence until and unless a consent order is issued by EPA other written permission is given by the EPA Region Administrator or by the regional counsel of EPA Region VII.) providing for the waste removal and/or clean-up work required at the said Holden facility. Anything herein to the contrary notwithstanding. this Agreement may be terminated by ETI for any reason or for no reason within 90 days of the date of After the initial 90 days from contract execution execution. this contract may not be cancelled by ETI for any reason. Anything herein to the contrary notwithstanding, this agreement may be terminated by Rose Chemicals for any reason or for no reason upon 120 days advance written notice given at any time by Rose Chemicals to ETI. In the absence of such notification, this agreement shall continue in effect until all the hazardous waste at the said Holden facility is removed by ETI and disposed of hereunder and until the said clean up is completed and certified by ETI as complying with the legal standards applicable For purposes of any notification required hereunder. permitted under this Agreement, the following addresses of ETI and Rose Chemicals shall be used:

NFORCEMENT SENSITIVE"

Environmental Technology, Inc. 84 Sweeney Street North Tonawanda, NY 14120 Rose Chemicals 2459 Charlotte St. Kansas City, MO 64108

IN WITNESS WHEREOF, the parties hereto have signed this Agreement effective on the day and year first above written.

MARTHA C. ROSE CHEMICALS, INC.

BY

Walter C. Carolan

President

WITNESS:

ENVIRONMENTAL TECHNOLOGY, INC.

RY:

Phillip E. Badame

President

LITTHESE.

"ENFORCEMENT SENSITIVE"

Wagstaff, Alvis, Stubbeman, Seamster & Longacre

ATTORNEYS AND COUNSELORS

290 CEDAR

J. M. WAGSTAFF 1862-1952 JOHN H. ALVIS 1896-1971 R. M. WAGSTAFF 1892-1973

ABILENE, TEXAS

REPLY TO
POST OFFICE SOX 360
ABILENE, TEXAS 79604-0360
TELEPHONE 677-6391
AREA CODE 915

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ROBERT H. ALVIS
DAVID G. STUBBEMAN
DON N. SEAMSTER
ROY B. LONGACRE
RUSSELL C. BEARD
PHILLIF J. DAY

May 14, 1986

THOMAS M. WHEELER MARY ANN FERGUS DARRELL W. MOORE

KEVIN MACEWAN

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MAY 2 1 1986

TOXICS & PESTICIDES
BRANCH

Mr. Art Spratlin Director, Toxic Waste 726 Minnesota Kansas City, KS 66101

Re: Martha C. Rose Chemical, Inc.

Dear Mr. Spratlin:

I would like to take this opportunity to thank you for the EPA meeting of May 7, 1986. The meeting itself was informative and certainly assisted the generators in evaluating their position vis a vis the Rose situation. Your Region's cooperation and patience in their attendance of this meeting is most appreciated.

As expected, a number of generators have since had a chance to meet and form a representative group. An EPA liason has been designated to represent the group: Mr. Jene L. Robinson, c/o Illinois Power Company, 500 South 27th Street, Decator, Illinois 62525, (217) 424-6834. You should expect Mr. Robinson to make all future contacts with EPA on behalf of this generator's group. Similarly, all information and questions to the generator group should be directed through Mr. Robinson. Hopefully, this will avoid duplicate effort for all involved.

I am optimistic that our group approach will assist in resolving the problems we face in a rapid and efficient manner.

Respectfully submitted,

WAGSTAFF, ALVIS, STUBBEMAN, SEAMSTER & LONGACRE

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By: Mary Ann Fergus

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MAY 1 9 1986

AIR AND TOXICS DIVISION

MAF:sl

"ENFORCEMENT SEMULTIVE"

CC: Mr. Carl Norton
West Texas Utilities Co.
P.O. Box 841
Abilene, TX 79604

Mr. Jene L. Robinson
Illinois Power Company
500 South 27th Street
Decator, IL 62525

Js- MICK File

ILLINOIS POWER COMPANY



500 SOUTH 27TH STREET, DECATUR, ILLINOIS 62525-1805

May 14, 1986

TO:

Generators of PCB Materials Shipped to Rose Chemical

FROM:

Jene L. Robinson

RE:

Rose Chemical Generators Group

On May 8, 1986 a group of generators of materials shipped to Rose Chemical at Holden, Missouri met in St. Louis, Missouri. At that meeting it was agreed to form a group (Group) to interact with the USEPA, determine the rights of generators, and, if necessary, pursue means of removing materials from the site and cleanup of the site. It was the consensus of the Group that by acting in a unified manner, economies of scale could be achieved in employing legal and technical help.

A subgroup called the Rose Chemical Steering Committee was established to administer the above described efforts. I am writing you as the elected chairman of the Steering Committee.

The Steering Committee agreed to hire Clean Sites, Inc., Alexandria, Virginia, to perform coalescing and administrative activities on behalf of the generators.

USEPA, Region VII was contacted and advised that the Group has been established. USEPA feels this group action is very responsible and is encouraged. USEPA plans to be very cooperative with the Group, if the Group continues to act as responsibly in the future.

I advised USEPA that the Group would try to channel generator communications with USEPA through the Group. USEPA was invited to refer generator phone calls to Ms. Paige Hall, Illinois Power Company, 217/424-7087.

After a contract with Clean Sites has been formalized, the Steering Committee will be in touch with your organization again. One of the requests that will be made of your organization is a detailed list of materials and monies you have sent to Rose Chemical. This information is necessary to determine what the generators' rights may be in this matter. USEPA and the Group need this information before alternative ways to proceed can be evaluated.

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AIR AND TOXICS DIVISION

If you have any questions, please call Ms. Paige Hall or me. We will probably ask you to call Clean Sites directly after we have arranged a contact with them.

If your organization has acted as a broker or transporter in shipping materials to Rose Chemical, you may wish to see that the generators you were acting for receive a copy of this letter. They should probably contact the Group to preserve their best interests.

Sincerely,

ILLINOIS POWER COMPANY

Jene L. Robinson

Chairman

Rose Chemical Steering Committee

pjs

cc: Rose Chemical Steering Committee
P. J. Womeldorff - B-20
Jim Kohanek - Clean Sites, Inc.
Art Spratlin - USEPA - Region VII

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5/12/2 - Clean Siles could tele prepart -- Steary Com - 5 Africa Elec Cinn Ill Pena VP SUETIL Lawyer report to Mind Sind File Central I La Fin NO Pul-Se do Elect In Pull- sin Community - 1-Secondarial Edic Cics - will und ded in/ ETT on Has west High Lissie @ ensity - Most on May 22 - Hope to light control (with it of Grand) - Roleyion to security control of Cord

JS - MCR Tile

ILLINOIS POWER COMPANY



500 SOUTH 27TH STREET, DECATUR, ILLINOIS 62525-1805

May 12, 1986

Mr. Art Spratlin
Director, Air & Waste Toxics Management Division
U. S. Environmental Protection Agency, Region VII
726 Minnesota Avenue
Kansas City, KS 66101

Dear Art:

This will formalize the communication channels the Rose Chemical Steering Committee hopes to establish with Region VII.

EPA officials should call me directly at 217/424-6834 with information or questions regarding the site and the Steering Committee. If I am not available, Debbie Fletcher or Paige Hall will know how to reach me.

Generators calling EPA should be encouraged to call Paige Hall, 217/424-7087. If Paige is unavailable, the secretaries at Illinois Power Company will see that someone representing the Steering Committee contacts the generator later.

The generators attending the May 8, 1986 organizational meeting were asked to direct their questions to EPA through me. I will, in turn, communicate with you and Leo Alderman.

As Clean Sites and legal help are brought aboard we will establish other appropriate channels of communications.

If you could please send me a copy of the Rose/ETI agreement you received on May 9, we would appreciate it. A copy of the letter from Rose to Region VII regarding their intent to come to agreement with ETI and not allow cleanup to be performed by another party is enclosed.

Thank you for your help thus far, we are very encouraged by the spirit of cooperation demonstrated by Region VII.

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Sincerely,

ILLINOIS POWER COMPANY

MAY 1 5 1986

BRANCH

Jene L. Robinson

TOXICS & PESTICIDES Chairman

Rose Chemical Steering Committee

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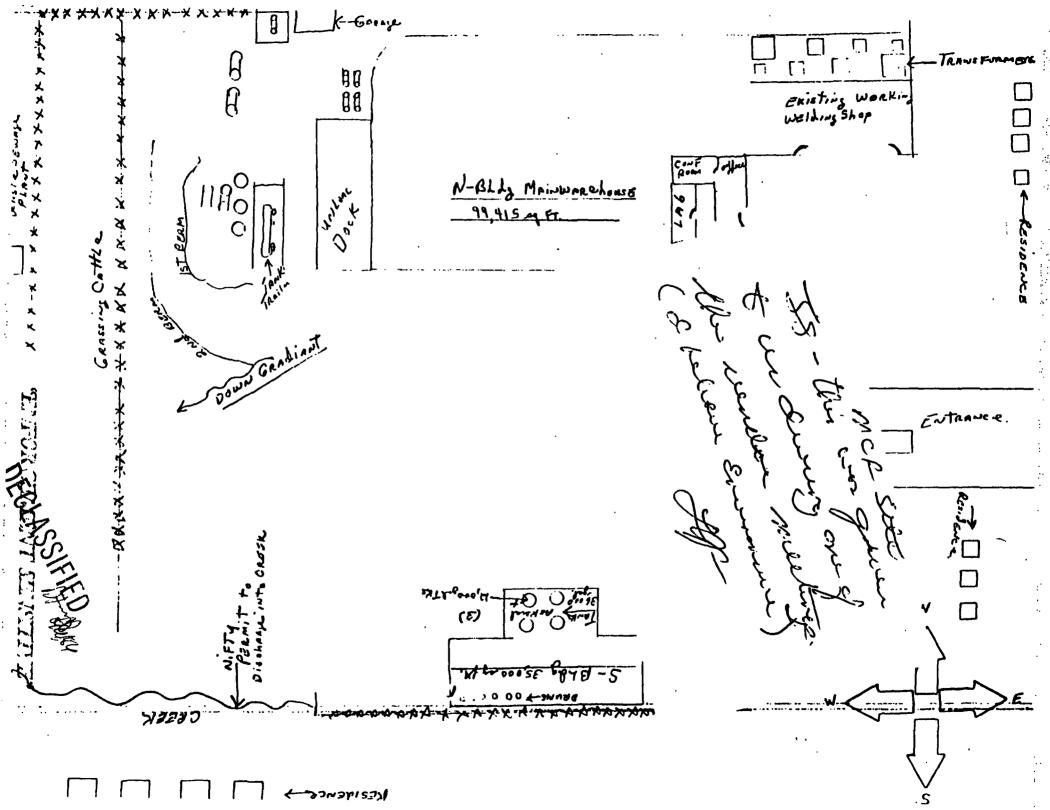
cc: P. J. Womeldorff, Illinois Power
Jim Kohanek, Clean Sites

Rose Chemical Steering Co

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MAY 1 4 1986

AIR AND TOXICS DIVISION





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

MEMORANDUM

SUBJECT: Martha C. Rose Chemical Company - Phone Contacts

FROM:

Leo J. Alderman

Chief, Toxics and Pesticides Branch

T0:

TOPE Staff

As you are aware there have been several incoming phone calls concerning the subject company. Most of these calls are initiated by generators of PCB items at the site.

Recently the generators formed a committee. The committee chairman has asked that all phone calls from generators or vendors be directed to Mg. Page Hall, Illinois Power Company at (217) 424-7087.

As you receive phone calls from generators or vendors please explain that the steering committee for the generator group asked that contacts be directed to Mg. Hall. If the caller still wishes to talk to someone from EPA please direct them to me. If I am out of the office direct them to Art Spratlin.

ENFORCEMENT SENSITIVE"

P.C.B. Inc. of Missouri

(Home Office)

P.O. Box 413793 Kansas City, Missouri 64141 816-221-3660

(Sales Office)

P.O. Box 372
Madison, South Dakota 57042
1-800-233-4357
Dan Pardy
Vice President
(Spill Control)

1-605-256-6254

May 9, 1986

Mr. Phil Badami, President Environmental Technology Inc. 660 Penn Tower Kansas City, MO 64112

RE: Disposal of Items from Rose Facility

Dear Mr. Badami:

As a follow-up to our conversation about disposal of capacitors, transformers and other PCB items from the referenced site, we are pleased to make the following commitments.

These commitments and offer, shall be formalized on a progressive basis, as we establish quantities and other parameters.

1. Types of PCB articles that are acceptable:

PCB Inc. will receive, process and dispose of:
- Transformers, less than 500ppm (full or empty)

- Transformers, greater than 50ppm (full or empty)
- PCB capacitors,
- PCB contaminated liquids and oils
- PCB contaminated debris
- Capacitor cores
- Other PCB-regulated materials

"ENFORCEMENT SENSITIVE"



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

May 9, 1986

Mr. Walter C. Carolan President Martha C. Rose Chemicals, Inc. 2459 Charlotte Kansas City, Missouri 64108

Dear Mr. Carolan:

In your letter of May 6, 1986, you have notified us that you are within a few days of a written agreement with Environmental Technology, Inc., Buffalo, New York, to bring the Martha C. Rose Chemicals, Inc. (MRC) plant in Holden, Missouri, within Environmental Protection Agency (EPA) compliance standards. With your letter, you have included a letter of May 1, 1986, which you state has been sent to generators with material still remaining at the facility.

In your letter to the generators, you have notified them that MRC has not accepted any new PCB materials for disposal since March 1, 1986, nor has it processed any PCB materials, and a major portion of the employees have been laid off. You state that the "partial halt in Rose's operations" was caused by certain compliance problems perceived by EPA with respect to Rose's operations. You also state "Rose decided that it was unable to make the corrections requested by EPA within the time given by EPA"

Our records relating to MRC contain two administrative orders on consent by which MRC acknowledged violations of substantive provisions of the PCB regulations, and in which MRC committed to pay stipulated penalties and perform corrective actions to bring the facility into compliance. Those administrative orders on consent were entered on June 26, 1984, and September 27, 1985. The violations of the PCB regulations have been acknowledged and consented to by MRC. At this date, the requirements of the administrative order on consent of September 27, 1985, have not been met because of the failure of MRC to pay the penalty required, and to perform the corrective actions to which the company has stipulated. MRC has been and is presently in violation of the PCB capacitor, PCB transformer, and PCB mineral oil process approvals. Additional violations have been observed during recent inspections and will require further corrective action.

ENFORCEMENT SENSITIVE

The EPA's primary concern at this time is the proper disposal of the PCBs and the PCB items presently located at the facility. As stated in our letter to you of April 23, 1986, we believe MRC is responsible for inventory, cleanup, and disposal of the PCBs and any other hazardous substances at the Holden facility, and we expect that MRC will meet its legal obligations. In view of the fact that MRC has now notified the generators that "Rose . . . finds itself unable to dispose of PCB materials previously sent to it, and is therefore, notifying you by this letter that it will be unable to dispose of any PCB materials remaining on its facility which may have been sent by you," we understand that you do not intend to meet the obligation for proper disposal of the PCBs and PCB items at the site by providing funds for the activities required.

The EPA has been contacted by many of the generators, who are concerned about their responsibilities with respect to the materials they consigned to MRC for disposal. They have informed us that they have not agreed at this time to enter any arrangements to provide additional funds for disposal of PCB materials for which they have already paid a fee to MRC for proper disposal. With regard to the financial responsibility for disposal activities, the generators have raised questions concerning the disposition of the funds which MRC collected for disposal services. A full accounting of the financial status of MRC and its affiliated corporations, and Walter C. Carolan as an individual would help resolve those concerns of this agency and the generators.

Based upon your statement that MRC will be unable to dispose of any PCB materials remaining on its facility, we believe no further removal, handling, or attempts at disposal should occur until the financial responsibility for further disposal activities has been resolved. We will expect to contact you during the week of May 12 concerning resolution of the role of MRC in future activities at the site.

We have been informed today by representatives of Environmental Technology, Inc. (ETI), that they have completed an agreement with MRC to perform services at the facility, commencing on Monday, May 12, 1986, with an inventory of materials at the site. Further activities relating to disposal of the PCBs are scheduled to follow. Because of the rejection by MRC of financial responsibility for disposal activities, and the fact that the generators have not yet identified a spokesperson for negotiations with MRC or EPA for cleanup activities, we advised the ETI representatives that any activities at the site were completely at the risk of ETI as to the expense involved. Further, by copy of this letter, we are advising ETI that EPA provides no assurance that any activities they undertake at the site will be in any way protected from possible future liability. It is our continuing expectation, as outlined in our letter of

2. Transportation:

PCB Inc. will provide transportation services for bulk liquids

- drums
- transformers
- other,

As required to serve this project. Insurance and permit certificates will be supplied under a separate cover within one week.

3. Authority for Disposal:

PCB Inc. has authority for the following disposal services:

- A. Chemical destruction of PCB's in transformer mineral oil (limit is 10,000ppm PCB)
- B. Chemical detoxification of PCB transformers (greater than 500ppm)
- C. Alternative disposal of intact or leaking PCB capacitors.
- D. Other processing as authorized by 40 CFR 761.

4. Prices:

To establish reasonable prices for these services, PCB Inc. will discuss the quantities.

- storage date circumstances, and
- condition of materials.

Prices will be established for a term or quantity of material.

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Mr. Phil Badami Page Two

Phil, we are certainly interested in the possibility of providing disposal for some of the referenced materials. Our interest is both business and environmental. Any contribution that PCB Inc. can make to this project will be meaningful to our industry, and to the generators who will be resolving this problem.

Please assemble a "probable list" of materials and let's discuss the price and service-time requirements.

Very truly yours,

P.C.B. INC. OF MISSOURI

A. C. Schamel

President

ACS:lvg

DECLASSIFIED ENTERIOR "

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"ENFORCEMENT SENSITIVE"

April 23, 1986, that any cleanup activities which are commenced will lead to a complete conclusion of all disposal and removal actions required at the site, and any activities which precede an agreement for funding and resolution of the liabilities of the parties are at the risk of the party taking those actions.

Sincerely yours,

David R. Tripp Regional Counsel

cc: Phillip E. Badame, President
Environmental Technology, Inc.
84 Sweeney Street
North Tonawanda, New York 14120

Scott Goldstein Spencer, Fane, Britt & Browne 106 West 14th Street Kansas City, Missouri 64105

Campbell's Soup Company Attn: Jim Currey Rt 110-E Napoleon, OH 43545

Campbell's Soup Company Attn: Bob Erickson Platte & Factory Street Fremont, NE 68025

Campbell's Soup Company Attn: P. Moeszinger . 6200 Franklin Blvd. Sacramento, CA 95824

Campbell's Soup Company Attn: Jack Laird P.O. Box 29 Chestertown, MD 21260

Central Louisiana Electric Co. Attn: Paul Turregano P.O. Box 510 Pineville, LA 71360

Illinois Power Attn: Bart Idle P.O. Box 511 Decatur, IL 62525

ENFORCEMENT SENSITIVE"

cc: Interstate Power
Attn: H. H. Faherty
1000 Main Street
Dubuque, IA 52001

Iowa Public Service Attn: Jack Hardy P.O. Box 778 Sioux City, IA 51102

Kansas Power & Light Attn: Bruce Caler P.O. Box 889 Topeka, KS 66601

Louisiana Power and Light Attn: Ed Peters P.O. Box 61009 New Orleans, LA 70161-1009

New England Power Attn: Bob Moon 25 Research Drive Westborough, MA 01581

Savannah Electric Attn: W. Watzgar P.O. Box 966 Savannah, GA 31402

Southwestern Electric Power Company Attn: Tom Epperson P.O. Box 21106 Shreveport, LA 71156

Transformer Services Attn: Steven Booth Regional Drive Concord, NH 03301

West Texas Utilities Attn: Carl Norton P.O. Box 841 Abilene, TX 79604

Mayor Brillhart City of Holden Holden, Missouri 64040

"ENFORCEMENT SENSITIVE"

blcc: Morris Kay Ronald R. Ritter Rowena Michaels William A. Spratlin

Envirosura

David A. Wagoner Leo Alderman Robert L. Patrick Henry II. Rompage Bruce Buckheit

Department of Justice

CHSL:DRfripp:jc:x2512:5/9/36



OH. MATERIALS CO. 16406 U.S. Route 224 East PO Ep 551 Find ay, Chip 45839 0551

Priorie: 419-423-3526

(

520-507-9540 (04 hr) 800-557-5660 (ir Onlo) Telek 239124- ORM UR (RCA)

May 8, 1986

Environmental Technology, Inc. Suite 660, Penntower 3100 Broadway Kansas City, MO 64111

ATTN: Phil E. Badame, President

Gentlemen:

This letter shall confirm that O.H. Materials Corp. (OHM) and Environmental Technology, Inc. (ETI) are currently negotiating a subcontract which will allow ETI to provide services under the Zone I ERCS Contract. This Contract furnishes emergency response cleanup services through OHM to USEPA Regions I, II, and III in the northeastern section of the United States.

Sincerely, yours,

John E. Copus

Deputy Program Manager

ERCS Zone I

JEC:emk

CONTRACTOR

DISPOSAL

RT. #1. BOX 159, KINGSVILLE, MO. 64061 - PH: 816/732-5591

May 8, 1986

Ken Kulinowski, Vice-President Environmental Technology Inc. of New York

84 Sweeney Street

North Tonawanda, NY 14120 NY Phone: (716) 693-7700 KC Phone: (816) 931-7060

SUBJECT: Rose Chemicals - PCB Division Liquidation

Dear Mr. Kulinowski:

Please accept this letter as confirmation of previous verbal arrangements concerning the disposal of PCB material stored in Holden, Missouri at the Annex III owned by Martha C. Rose Inc. - PCB Division. It is our understanding that you have been given rights to dispose of their PCB inventory and decontaminate the site afterwards. Based on your arrangements with them, your company and ours have the following intentions regarding the detoxification of PCBcontaminated mineral (10-C) oil:

Once inventoried and categorized, you will make arrangements for us to pick up and detoxify the treatable oil.

We agree to transport the oil to our EPA-approved site (2 miles away) and detoxify or dechlorinate the oil to less than 2 ppm PCBs. The equipment and process to be used is owned and operated by CHEMDECON who has set up their unit on our site. Copies of their national EPA permit and insurance have already been sent to you under separate cover.

We agree to set aside up to 12,000 gallons treatment capacity per week to meet your needs. Because we are so close, we expect that we can pick up two 5700 to 6100 gallon tanker loads per week.

You, of course, have visited our site and are satisfied as to our and CHEMDECON's capability. Please feel free to extend an invitation to your clients to visit our site at their convenience.

We look forward to working with and helping to rectify the unfortunate situation that has developed at Rose.

Sincerely,

Dennis Nix

President



May 8, 1986

U.S. E.P.A. Region VII 726 Minnesota Ave. Kansas City, Kansas 66101

Attention: Mr. David Tripp

Regional Counsel

Re: Four Phase Remediation Plan

Martha C. Rose Chemical Company

Dear Mr. Tripp,

Pursuant to our discussions and in line with the guidance set forth by the U.S. E.P.A. Region VII, Environmental Technology, Inc. (ETI) will undertake a multi-phase program to remediate the Martha C. Rose Chemical Inc. facility located in Holden, Missouri.

Environmental Technology, Inc. has entered into agreements with Mr. Walter C. Carolan, President of Rose and will begin management of the site effective Monday May 12, 1986. Although ETI is not a Potentially Responsible Party (PRP), the management and staff of ETI have in excess of 80 years experience in the hazardous waste management industy and we specialize in this type of project. In addition, we have a sincere interest in acquiring Martha C. Rose Chemical Company and to this end, we have dedicated ourselves and our resources to performing in a most efficient and cost effective manner. We would like to see the facility at Holden cleaned up and allowed to continue operations as a disposal facility.

ETI believes that with the cooperation of the generators and the assistance of the U.S. E.P.A. we can perform this monumental task in such a way that each PRP would share in the cost of the project at minimal expense in comparison to a mandated SuperFund site cleanup. The economic advantages to any PRP in such an undertaking are widely acknowledged.

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The plan we have authored consists of four (4) phases:

PHASE I - INVENTORY

ETI will begin on Monday May 12, 1986 to conduct an in-depth inventory of the PCB material located at the facility. This inventory will determine who the PRPs are and to what extent they have material at the facility. We intend to request a fee of \$1000.00 per manifest from each PRP in order to cover the costs associated with the inventory, material identification, and reporting. ETI will provide each PRP with a report of their material and its status and we will provide the U. S. E.P.A. with these reports as well. ETI will no doubt incur some resistance from a few of the PRP's and we will advise you and you may choose to deal with them in an official capacity.

PHASE II DISPOSAL

ETI will conduct orderly systematic and proper disposal of all base PRP material located at the facility according to a prescribed timetable. ETI has secured contracts with the major disposal facilities for this project including U.S. Ecology, Chemical waste Managment, and Ensco, to name a few. ETI has secured reasonable prices and will be able to arrange the disposal of the PRP's material in a most cost effective manner. Additionally, we have been assured of prompt incineration and landfill. There are in place attractive trucking rates and we have a substantial fleet of haulers on line and ready to proceed.

ETI will provide each PRP with the total price for disposal and transportation of their waste present at the facility. It will be their option of either having ETI dispose of their material or a contractor of their choice. We will effect the disposal on a first come-first serve basis; i.e. those PRP's that respond first to our plan will be handled first. ETI will ask the PRP's to place the dollars required to dispose of their material in an escrow account which has already been established at the Manufacturers and Traders Trust Company located in Buffalo, New York. The M & T is a well recognized commercial banking institution with impeccable credentials and experience. Once we have the PRP's money in escrow, we will send their material out for disposal. When the bank receives a Certificate of Disposal for the disposal facility they will then release the money to ETI. This procedure will perform two functions: (1) the generators will be sure that their material has been disposed of before they actually pay. (2) ETI will be paid for the disposal and not left holding an empty bag.

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PHASE III - RESIDUAL MATERIAL

Upon disposition of <u>BASE MATERIAL</u> (described as readily identifiable capacitor cores and transformers), debris, PCB oils and other residual materials will be disposed of in accordance with Federal Regulations governing particular materials. It is anticipated that TSCA regulations for disposition of PCB's will govern most, if not all, Phase III materials. The method of allocating assessments for this residual material will be a pro rata formula based on percentage of individual generator involvement at Martha C. Rose. This disposition will be in accordance with guidance given by U.S. EPA Region VII. It has been determined that there is substantial residual material in storage that will need proper disposition at significant cost.

PHASE IV - SITE RESTORATION

This final phase has been established in order to comply with the conditions of remedial action mandated in the U.S. EPA Region VII letter of April 23, 1986 (Page 3, Article I). The total clean-up effort referenced has yet to be assessed from a financial point of view. It would probably be best addressed during or after the Inventory and Residual Removal, when the final magnitude is more definable. As in the case of Phase III, allocation of assessments will be a pro-rate formula based on percentage of individual PRP involvement at MRC. The time frame for completion of the final remediation would, obviously, be predicated on defining the total magnitude and subject to U.S. EPA Region VII guidance in this area.

From a practical and economic stand point the approach to minimizing cost is to begin and commit to the program as soon as possible. The costs associated with the operation and disposal cannot be held firm for long standing periods of time. Simply stated, it appears that "First come, First served" may be very significant for the PRP's in the final analysis.

You indicated in our previous discussion that the EPA would issue a consent order which would allow the generators who participate in this plan to be held harmless as long as they actively participate in all four phases of the program. I believe it to be essential that you issue this order as soon as practical.

Finally, ETI is preparing a complete plan for the remediation of this site and this plan will be delivered to you shortly.

If you require further information please let us know.

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Sincerely,

ENIVIRONMENTAL TECHNOLOGY, INC.

Philip E. Badame

President

PB:bw

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TELEPHONE CONVERSATION RECORD

Bob Stryker/Judy Sturgess May 8, 1986

I asked Bob about the closure of S.E.D., whether it proceeded under TSCA or CERCLA. While a civil was issued for TSCA violations, actual cleanup proceeded under CERCLA.

Said he believed the closure was precipitated by a 3/12/85 inspection which revealed substantial storage violations. Said they had collected stuff forever. Company knew a big penalty was coming so they notified Region IV that they would be going out of business at the end of 30 days.

The civil complaint proposed a 2.4 million dollar penalty.

CERCLA took over the cleanup, auditing chipping records and identifying generators with the material still on site. One generator pretty much took charge and the superfund principal parties called in CLEAN SITES, INC. to monitor the cleanup project. Region IV principal contact: Shane Hitchcock, SUPV, 8-257-3931.

Able to claim imminent hazard because of nearby creek.

Bob tole me that Region V had a similar situation with a smaller S.E.D. facility in Ohio and suggested I call Carl Bremmer.

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TELEPHONE CONVERSATION

Carl Bremmer/Greg Chikowski/Judy Sturgess May 8, 1986

Greg handled the Region V case and was my primary source of information.

He said that S.E.D. (Safety Engineered Disposal) went into business of storage and disposal. There were two operations: (1) Greensboro, N.C., processed capacitors, and (2) Hillsboro, Ohio, which was simply storage. Never got off the ground because of money and regulatory problems. Operation began around 1980, out of business in 1984. Letter to EPA in April 1985 stated they were no longer able to continue in business and that the facility would be unattended. He estimated 650,000 pounds of PCB material on site.

Civil complaint was issued just after closure notice received, proposing \$1,350,000 penalty. Thinks they will go to hearing or seek accelerated decision.

In the meantime, attorney (Art Smith) wanted to get responsible parties together for voluntary cleanup. Meeting was held around 1/1/86, attended by top 20 generators who were responsible for 75% of material. People from CLEAN SITES, INC. invited to attend. Generators formed steering committee. Negotiations ongoing. Stalled by one generator who wants to go get its material and dispose of it individually. Actively pursuing settlement of the voluntary cleanup.

Said CLEAN SITES, INC. is a nonprofit organization funded by industry, with former EPAers and industry reps on board. CLEAN SITES, INC. contacts:

James Kohanek, Coalescing Executive Herb Hofmaier, Consultant Alexandria, Virginia 703-683-8522



RANGE PAUL TURREGANO

X FAUL TURREGANO

X FAUL PURREGANO

X FAUL ROBINSON

VOLK MATAIT

TIM ROLLINGER

JUDITH STURGESS

Patrick W. Lorenz

BEE BELL

Steven Kinser

Fronterford

LEU PLORMAN
ART SPENTUN

MAN HOME PROPERTY

LORDE MORRY

LIEVIC TRIPP

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5-7-86 Company. Rose to file 5 Kit Hailing Worte SCHIEF KARDING & WHITE DELIVERY LAWFERS CENTRAL LA. ELECTRIC CO. Illinois Power Co low, fublic Service to FOWA FRENCHICKETON Southwestern Electric Power Co. U.S.E.T.A Missouri Public Service Mileson San - Collect Well and the Killy U.S. EPA US. EFA CNSL EPA CHIEF TOXICS & PESTICIOES BRAICH

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EPA - Coffice of King made Counsel

EPA - Chief Superfund Branch

EFA - Office of Regional Counsel

WILL (west Town-Whitities)

TENFOR CENTENT SENSTIVE

2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

May 6,. 1986

United States Environmental Protection Agency Region VII 726 Minnesota Avenue Kansas City, Missouri 66101

Attn: Mr. David R. Tripp

Dear Mr. Tripp:

I have been asked by Phillip Badame of Environmental Technology, Inc. to write to you and clarify a situation which has arisen regarding the remedation of the Martha C. Rose plant in Holden, Missouri.

Rose has, as you know, had talks and made verbal agreements with ETI for bringing the facility within EPA compliance standards. We are within a few days of a written agreement and in fact an announcement of the status, and its compliance problems has been sent to the generators with material still remaining at the facility. (copy attached)

Other remedial firms have appeared on the scene and at this point of time they are uninvited by Martha C. Rose Chemical. I feel that we can best work with a single remedial company at a time if we are to achieve the goals as outlined in your April 23rd letter directed to Mr. Badame of ETI. To this end it is Martha C. Rose Chemicals, Inc. position that the company it chooses to work with at this time is Environmental Technology, Inc. of Buffalo, New York.

If you disagree with this decision please so advise.

Sincerely

Walter C. Carolan, President

Martha C. Rose Chemicals, Inc.

WCC/sp Encl.

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MAY 0 8 1986

AIR AND TOXICS DIVISION

2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

May 1, 1986

Gentlemen:

Based upon our records, we believe that your company previously sent PCB materials to Rose for disposal. In addition, you may have recently been contacted by a company with respect to the disposal of PCB materials previously sent to Rose. The purpose of this letter is to inform you of the present status of PCB materials sent to Rose, the present financial status of Rose and alternatives we have considered for resolving our problem.

Since approximately March 1, 1986, Rose has not accepted any new PCB materials for disposal, nor has it processed any PCB materials. In addition, a major portion of Rose's employees have been laid off. There exists, however, a skeleton crew presently maintaining the Rose facility. We want to assure you that the PCB materials presently stored at the Rose facility have not simply been abandoned, and until you receive further notice, Rose employees will continue to maintain the PCB materials stored at the Rose facility.

The partial halt in Rose's operations was caused by certain compliance problems perceived by EPA with respect to Rose's operations. After a review and examination of the perceived compliance problems referred to above, Rose decided that it was unable to make the corrections requested by EPA within the time given by EPA to make such corrections. It was at this time, therfore, that Rose decided to temporarily cut back its operations as described above.

Rose now, unfortunately, finds itself unable to dispose of PCB materials previously sent to it, and is therefore, notifying you by this letter that it will be unable to dispose of any PCB materials remaining on its facility which may have been sent by you.



while EPA has not made any explicit representations with respect to the Rose facility, counsel for Rose advises us that at other sites at which toxic substances have been processed or disposed of, EPA has asserted that generators of such substances handled at those sites were jointly and severally liable to clean up contamination at said sites and to remove toxic substances located thereon.

Rose Chemical has reviewed the options available in order to determine the most effective means for you to have your waste disposed of quickly and efficiently. At this time we have a tenative agreement with Environmental Technology, Inc. (ETI) of Buffalo, New York to manage the inventory removal and disposal of the waste located at our facility. Personnel from ETI plan to begin this project on or about May 12, 1986 and plan to take over the day to day management of Rose Chemicals as well. Environmental Technology, Inc. has established a subsidiary in Kansas City, Missouri by the name of Hazardous Waste Management Corp. - PCB Division.

You will be receiving a packet soon from ETI which will outline the manner in which they will proceed with the project as well as information on the Company which will be of an informative nature as to the personnel, experience, references, completed projects, and other data, etc. Environmental Technology, Inc. does have extensive experience in remedial projects of this nature and has already met with Region 7 EPA to discuss their plan for this project.

At this time I would like to suggest that you give consideration to utilizing the services that will be offered to you by ETI. If you would like to discuss the options available to you as the generator, feel free to contact Philip E. Badame, President of Environmental Technology, Inc. at (716) 693-7700. I am sure that he will be pleased to outline for you the methods which he plans for the remediation of the Rose facility.

Should you have any questions concerning Roses present operation or may information contained in this letter, please feel free to call me at (816) 471-7227. We shall also keep you advised of any planning changes.

Very truly yours.

Walter C. Carolan, President
Martha C. Rose Chemicals, Inc.

2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

May 6, 1986

United States Environmental Protection Agency Region VII 726 Minnesota Avenue 66101 Kansas City, Missouri

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If you disagree with this decision please so advise.

Sincerely,

Walter C. Carolan, President Martha C. Rose Chemicals, Inc.

WCC/sp Encl.

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Chemical Waste Management, Inc.

Technical Center 150 W 137th Street Riverdale, Illinois 60627 312 641-8360

May 2, 1986

Environmental Technology, Inc. 84 Sweeney Street
North Tonawanda, NY 14120

Attention: Kenneth J. Kulinowski,

Vice President, Sales

Subject: Rose Chemicals - Remedial Action Project

Dear Mr. Kulinowski:

Confirming our discussion on April 24, 1986, Chemical Waste Management, Inc., is providing a written draft proposal for the incineration of shredded capacitor cores. The details of this proposal are listed below for your review:

Price/Volume

- First 2 million pounds at \$.55 per pound, plus \$.064 per pound to completely retire the \$128,000 Rose Chemical debt owed to CWM.
- Second 2 million pounds or the remaining inventory, whichever is greater, at \$.55/lb. This price would be valid until July 1, 1987.
- CWM to provide ETI with a fixed price of \$.42/lb. for approximately 500,000 gallons of PCB liquids in storage at the Rose Chemical Site. A mutually acceptable shipping schedule would be negotiated.
- CWM to provide ETI with a mutually acceptable fixed price for a specific volume of transformer carcasses associated with this project.
- . CWM to be allowed full access to the Rose site in order to verify volume.

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Environmental Technology, Inc. Page 2

Shipping Schedule

- CWM to immediately begin accepting (subject to capacity limitations) 35K-70K pounds per week of shredded capacitor cores in 100 lb. poly bags after an agreement is signed.
- CWM to increase the volume acceptable to approximately 140K pounds per week beginning in November 1986.

Payment Schedule

• ETI/PRP's to establish an escrow account with a mutually acceptable bank for payment of CWM invoices within 5 working days of receipt of our Certificate of Destruction.

In the event that ETI is successful in their negotiation with Rose Chemical, EPA, and the PRP's, Chemical Waste Management would look forward to successfully negotiating an agreement to work with you on this remedial action.

Respectfully,

Walter J. Watson

Regional Sales Manager

Northern Region

WJW/bk





64 O 6 1986

EPA-CNSL

84 SWEENEY ST. • NORTH TONAWANDA, NEW YORK 14120 • 716-693-7700

May 1; 1986 ·

Mr. David R. Tripp Regional Counsel US Environmental Protection Agency Region VII 726 Minnesota Avenue Kansas City, Kansas 66101 Dovid Tripp will

Dovid tripp will

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clout this today

clout

Jane

John

Ref: Martha C. Rose Chemical Company - Holden

Dear Mr. Tripp:

I am in receipt of your letter dated April 23, 1986, in which you have cutlined the EPA's position on the cleanup on the Martha Rose Chemical Company site at Holden, Missouri. I would like to take this opportunity to thank you for your consideration in meeting with us on April 17, 1986 on such short notice.

We are presently preparing the Operations Plan for the remediation of the MRC site, and as we had discussed, it will be a four phase program. The four phases are as follows:

Phase I - Site Inventory

Phase II - Removal and Disposal of Identifiable PCB Material

Phase III - Removal and Disposal of all Residual and Unidentifiable PCB

Material

Phase IV - Remediation including Detoxification of the MRC Facility

We have our escrew agreements in place with the Manufacturers and Traders Trust Company here in Buffalo, New York and we have a management agreement with Walter C. Carolan, which in effect allows us to take over the management of Rose Chemical Company. I will be contacting you shortly to discuss our plan and will look forward to meeting with you in the very near future.

ENFORCEMENT SENSITIVE"

Please address any future correspondence to me at our North Tonawanda address shown above. We are not occupying office space at the Rose Chemical offices in Kansas City.

Thanking you in advance for any assistance you may be able to provide.

Sincerely yours,

ENVIRONMENTAL TECHNOLOGY, INC.

Philip E. Badame

President

PEB:gc

TENFOR CEMENTINE"

FOIA Exemptions 5, 7(e)

April 29, 1986

Bryan G. Redd U.S. Department of Justice Room 7317 Environmental Enforcement Section Land & Natural Resources Division 9th & Pennsylvania Avenue Washington, D.C. 20530 :

Dear Mr. Redd:



Sincerely yours,

Henry F. Rompage Attorney Office of Regional Counsel

Enclosure

CNSL-HFR:emm-4/29/86-Disk TSCA #2

"ENFORCEM!

CONCURRENCES								
SYMBOL	1.32	S. W. Others	II					
SURNAME	Compo	ر م						X.,
DATE)	4-29-86				-			

WAGSTAFF, ALVIS, STUBBEMAN, SEA

ATTORNEYS AND COUNS

JOHN H. ALVIS 1896-1971

J. M. WAGSTAFF 1862-1952 R. M. WAGSTAFF 1892-1973

ROBERT H. ALVIS DAVID G. STUBBEMAN DON N. SEAMSTER ROY B. LONGACRE

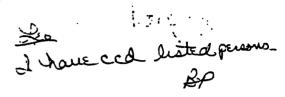
PHILLIP J. DAY THOMAS M. WHEELER MARY ANN FERGUS DARRELL W. MOORE

KEVIN MACEWAN

RUSSELL C. BEARD

290 CEDAR ABILENE, TEXAS

April 25, 1986



Mr. Art Spratlin Director, Toxic Waste 726 Minnesota Kansas City, KS 66101

Rose Chemicals/Generater's Meeting

Dear Mr. Spratlin:

This will confirm our telephone conversation of April 24, 1986 wherein a meeting date was set as follows: Wednesday, May 7, 1986 at 10:00 a.m., EPA office 726 Minnesota, Kansas City, Kansas. It is my understanding that those in attendance at the meeting will be concerned with the technical aspects of the Rose situation. In this connection, you indicated that Mr. Leo Alderman and Rubin McCullers will represent EPA. At this time, I respectfully request your attendance as well if your schedule so permits.

In speaking with my clients, they indicate that the following generaters will be informed of the meeting, however, each generator will elect whether or not to attend: SWEPCO, Illinois Power Co., New Orleans Public Service, COLECO and Louisiana Power & Light Co. Further, each generater will be making a decision on whether or not to be represented by legal counsel at that time.

The generaters in attendance at that meeting hope to accomplish the following: i) information gathering; ii) group decision on how to clean up the Rose site; iii) what help the generaters can anticipate from EPA.

As you may also be aware, Illinois Power & Light Co. have called a generater's meeting to take place on Thursday, May 8, 1986. Hopefully, the May 7th meeting with EPA will assist those in attendance at the May making informed decisions about a solution to the

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TOXICS & PESTICIDES

BRANCH AID AND - Mr. Art Spratlin April 25, 1986 Page 2

Should you have any further comments prior to the May 7th meeting date, please call me immediately.

Yours truly,

WAGSTAFF, ALVIS, STUBBEMAN, SEAMSTER & LONGACRE

Mary Ann Fergus By:

MAF:sl

Mr. Carl Norton cc: West Texas Utilities Co. P.O. Box 841

Abilene, TX 79604





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

April 23, 1986

Mr. Phillip E. Badame President Environmental Technology, Inc. c/o Rose Chemical Company 2459 Charlotte Street

Dear Mr. Badame:

Kansas City, Missouri 64108

At the meeting in our offices on April 17, 1986, you explained your plans to commence activities leading to a cleanup of the Martha C. Rose Chemical Company (MRC) warehouse at Holden, Missouri. You also informed us that Environmental Technology, Inc. (ETI), intends to acquire MRC, and gave us a copy of a letter of April 14, 1986, to Walter C. Carolan, President, MRC, which confirms that agreement, contingent on several conditions. We understand that ETI is now operating in Missouri from the offices of MRC.

As we informed you at the meeting, the Environmental Protection Agency's (EPA) concerns about MRC are related primarily to the environmental and health problems presented by the large quantities of PCB materials at the Holden warehouse and the numerous violations of the Toxic Substances Control Act (TSCA) connected thereto. We have taken no action to date to require that MRC cease operations, but have taken action to require that any continuing operations be in compliance with the PCB laws and regulations, and avoid a threat to health or the environment. If ETI intends to pursue the acquisition of MRC, there are several facts of which you should be aware. Among the terms and conditions for acquisition of MRC identified in your letter are:

> . . . we must be assured that we can correct any and all deficiencies which are currently an impediment to the future of Rose Chemical Company. In this light it is absolutely essential that we have the assurance of Region VII Environmental Protection Agency that if all deficiencies are corrected, they will renew the PCB permits as they reach their expiration dates. . . and



In order for Environmental Technology, Inc., to complete the remediation project at the Holden, Missouri facility, it is essential that Region VII Environmental Protection Agency keep the permits in force so that we may process the PCB material at the site and complete the disposal process.

As we informed you at the meeting, the current PCB permits are under separate Notices of Intent to Suspend or Revoke, issued on February 13, 1986. The Notices required MRC to perform numerous corrective activities to assure compliance with the PCB regulations and the terms of two outstanding Orders on Consent issued for past violations. The Notices of Intent to Revoke are attached, as well as the Orders on Consent, so that you may understand the nature and extent of the environmental problems at the Holden facility. The EPA has inspected the facilities and documented additional violations since the Notices of Intent were issued, but no further action has been taken at this time. Since the time of issuance of the Notices. no response has been received from MRC. One of the permits expired on March 15, 1986. The second permit is scheduled for expiration on October 15, 1986. Under these circumstances; EPA cannot provide any assurance that the remaining PCB permits will be renewed as they reach their expiration dates. However, as we explained at the meeting, ETI does have opportunity to qualify as a licensed PCB disposal facility under the same terms as any new applicant.

As we informed you at the meeting, if ETI or its Missouri subsidiary, Hazardous Waste Management, Inc., is to commence PCB disposal operations at the MRC facility, or any other location, TSCA regulations require that new permits be issued. A transfer or assumption of the permits presently held by MRC is not authorized by law.

If the acquisition of MRC by ETI does not occur, and ETI or MRC does not act to address the environmental and health problems at the site, we do wish to assure you that EPA is interested in providing assistance to any entity which is capable of undertaking the inventory, clean-up, and disposal of the PCBs and any other hazardous substances at the MRC warehouse at Holden, Missouri. Currently, based on the information available to us, we believe MRC is responsible for that activity, and we expect that they will perform their legal obligations. However, if MRC does not meet its legal obligations, the generators and responsible parties do have a legal responsibility for the clean-up. Under any circumstances, if the clean-up is to be undertaken by any entity, or consortium of responsible parties, there are two general conditions which must be met before any clean-up activities commence. Those conditions are:

ENFORCEMENT SENSITIVE

- 1. Any clean-up activities undertaken must lead to and be a part of a total clean-up of all PCBs and other chemical contamination at the site which is in violation of regulatory levels or of concern from a health or environmental endangerment standpoint. It is not acceptable to EPA that only a portion of the facility or of the contaminated materials at the site be cleaned up until there has been a plan for total clean-up prepared and committed to by financially responsible entities. We believe these conditions are important because of our concern for the possibility of health endangerment which may be created by a partial clean-up, and the possibility of additional expense for any parties which later will be responsible for the remainder of the partial clean-up as opposed to the costs of a coordinated, complete clean-up. Our expectation is that any clean-up would commence with an identification of the contaminated materials, buildings, and grounds at the site or offsite, an allocation of those items as to responsible parties, and proceed with a further engineering plan and feasibility study for the proper corrective action, including disposal, which takes into account the feasible alternatives for disposal and a comparison of the costs thereof.
- 2. Any clean-up undertaken at the site must take place under the structure of an enforceable order entered by EPA and the party or parties undertaking the clean-up. We believe this is a required part of any clean-up proposal due to the necessity of assuring that any clean-up undertaken will be followed through to its conclusion, and that the financial, institutional, and managerial responsibilities for the clean-up will be negotiated in advance, and carried through to conclusion by the party or parties who are responsible.

With respect to the draft letter which you provided us which you intend to send to the identified generator parties, we have comments which will be provided to you by separate letter.

We appreciate the information you have provided and will be available for any further discussion on these matters. Because we have had numerous inquiries from generators and other potentially responsible parties on this matter, we are sending copies of this letter to them to confirm our position.

Sincerely yours,

David R. Tripp
Regional Counsel

Enclosures

blcc: Morris Kay, Regional Administrator, EPA
Ronald R. Ritter, Congressional & Intergovernmental Liaison, EPA
Rowena Michaels, Director, Office of Public Affairs, EPA
William A. Spratlin, Jr. Director
Air & Toxics Substances Div., EPA
David A. Wagoner, Director, Waste Management Div., EPA
Leo Alderman, Chief, Toxics and Pesticides Branch, EPA
Robert L. Patrick, Associate Regional Counsel, EPA
Henry H. Rompage, Assistant Regional Counsel, EPA
Bruce Buckheit, Department of Justice
Following Generators:

Campbell's Soup Company Attn: Jim Currey Rt 110-E Napoleon, OH 43545

Campbell's Soup Company Attn: Bob Erickson Platte & Factory Street Fremont, NE 68025

Campbell's Soup Company Attn: P. Moeszinger 6200 Franklin Blvd. Sacramento, CA 95824

Campbell's Soup Company Attn: Jack Laird P.O. Box 29 Chestertown, MD 21260

Central Louisiana Electric Co. Attn: Paul Turregano P.O. Box 510 Pineville, LA 71360

Illinois Power Attn: Bart Idle P.O. Box 511 Decatur, IL 62525

Interstate Power Attn: H. H. Faherty 1000 Main Street Dubuque, IA 52001

Iowa Public Service Attn: Jack Hardy P.O. Box 778 Sioux City, IA 51102 Kansas Power & Light Attn: Bruce Caler P.O. Box 889 Topeka, KS 66601

Louisiana Power and Light Attn: Ed Peters P.O. Box 61009 New Orleans, LA 70161-1009

New England Power Attn: Bob Moon 25 Research Drive Westborough, MA 01581

Savannah Electric Attn: W. Watzgar P.O. Box 966 Savannah, GA 31402

Southwestern Electric Power Co. Attn: Tom Epperson P.O. Box 21106 Shreveport, LA 71156

Transformer Services Attn: Steven Booth Regional Drive Concord, NH 03301

West Texas Utilities Attn: Carl Norton P.O. Box 841 Abilene, TX 79604



Ruber - ETT left these ext the meeting on 4/17

84 SWEENEY ST. • NORTH TONAWANDA, NEW YORK 14120 • 716-693-7700

April 14, 1986

Rose Chemical Company PCB Division 2459 Charlotte Street Kansas City, Missouri 64108

Attn: Walter C. Carolan

Dear Mr. Carolan:

Pursuant to our discussions of April 2, 3, and 4, 1986, I am pleased to extend to Rose Chemical Company this letter which confirms our agreement to acquire Rose Chemical Company.

In order to complete this acquisition, we must be assured that we can correct any and all deficiencies which are currently an impediment to the future of Rose Chemical Company. In this light, it is absolutely essential that we have the assurance of the Region 7 Environmental Protection Agency that if all deficiencies are corrected, they will renew the PCB permits as they reach their expiration dates.

In order for Environmental Technology, Inc. to complete the remediation project at the Holden, Missouri facility, it is essential that Region 7 Environmental Protection Agency keep the permits in force so that we may process the PCB material at the site and complete the disposal process.

The terms and conditions for the acquisition will be discussed and a contract prepared in the near future.

Sincerely,

ENVIRONMENTAL TECHNOLOGY, INC.

Philip E. Badame

President

PEB:gc

"ENFORCEDATIVE SEP.SIT.E"

2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

April ,1986

Attention:

Dear

The undersigned is the President of Martha C. Rose Chemicals, Inc. ("Rose"). Based upon our records, we believe that your company previously sent PCB materials to Rose for disposal. In addition, you may have recently been contacted by a company with respect to the disposal of PCB materials previously sent to Rose. The purpose of this letter is to inform you of the present status of PCB materials sent to Rose, the present financial status of Rose and alternatives we have considered for resolving our problem.

Since approximately March 1, 1986, Rose has not accepted any new PCB materials for disposal, nor has it processed any PCB materials for disposal. In addition, a major portion of Rose's employees have been laid off. There exists, however, a skeleton crew of Rose employees that are presently maintaining the Rose facility. We want to assure you that the PCB materials presently stored at the Rose facility have not simply been abandoned, and funtil you receive further notice, Rose employees will continue to maintain the PCB materials stored at the Rose facility.

The partial halt in Rose's operations was caused by certain compliance problems perceived by EPA with respect to Rose's operations. After a review and examination of the perceived compliance problems referred to above, Rose decided that it was unable to make the corrections requested by EPA within the time given by EPA to make such corrections. It was at this time, therefore, that Rose decided to temporarily cut back its operations as described above.

Rose now, unfortunately, finds itself unable to dispose of PCB materials previously sent to it and is, therefore, notifying you by this letter that it will be unable to dispose of any PCB materials remaining on its facility which may have been sent by

Coolean Ast we

ENFORCEMENT SEND

While EPA has not made any explicit representations with respect to the Rose facility, counsel for Rose advises us that at other sites at which toxic substances have been processed or disposed of, EPA has asserted that generators of such substances handled at those sites were jointly and severally liable to clean up contamination at said sites and to remove toxic substances located thereon.

We see several solutions to our present problems. First, if any generator wishes to remove its items from the Rose facility, it should contact Rose at (816) 471-7227 to discuss the removal of said items from Rose's facility. To the extent that Rose is financially able to do so, Rose will attempt to assist such generator in any way that it can. Second, there are several companies engaged in the business of removal and disposal of PCB materials in situations such as the one Rose presently finds itself. One such company which has contacted us is Environmental Technology, Inc., of Buffalo, New York. They have formed a Kansas City subsidiary - Hazardeous Waste Management - PCB Division.

While we can make no representations with respect to Environmental Waste Management, we believe that said company would do a good job for any generator who wished to use it and would, therefore, recommend that consideration be given to said company. To the extent that a generator wishes to use another company, Rose would work with such company to the extent that it is financially able to do so with respect to the removal of PCB materials located at its facility. At that time, Rose will review and examine its present status to determine what additional action can be taken with respect to a clean up of its facility.

Should you have any questions concerning Rose's present operations or any information contained in this letter, please call me at (816) 471-7227.

Very truly yours,

Walter C. Carolan, President Martha C. Rose Chemicals, Inc.

Tenfor Topic



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

April 11, 1986

Mr. Jack Hardie Manager, Environmental Affairs Iowa Public Service Company P. O. Box 778 Sioux City, Iowa 51102 REC'D.

APR 4 1986

CNS!

Dear Mr. Hardie:

Enclosed is a copy of the list of PCB generators provided to EPA by the Rose Chemical Company. As I told you on the phone, I do not know if this list represents a complete list of the generators.

In addition to this list, we have received a call from National Rural Electric Cooperative indicating they have had numerous calls from rural electric cooperatives across the country about Rose Chemical. Mr. Richard Sternberg, with the National Rural Electric Cooperative, could provide additional information on the companies that have been contacting him. His telephone number is 202/857-9606.

I would like to be kept informed of any progress you have in bringing together a meeting of the generators because EPA would like to be involved in such a meeting.

Sincerely,

William A. Spratlin

Director, Air and Toxics Division

cc: R. L. Patrick, CNSL /

Enclosure

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Cullen and Dykman 177 Montague Glood Brooklyn, New York 11201-3633

(212) 855-9000

GARDEN CITY OFFICE 10:0 FRANKI:N AVENUE GARCEN CITY, NEW YORK 1153G-0755 (5181 741-0900

WASHINGTON, C.C. OFFICE 1019 NINETEENTH STREET N.W. WASHINGTON, D.C. 20036-5105 (202) 223-6690 JULES MARIASH LEWS ORGEL J READ SMITH EDWARD J WALSH, JR.,PC COURSEL

C DATUPH WREN
DANE! W BRINITZER
MICHAEL W BRINITZER
MICHAEL W BRINITZER
MICHAEL W BRINITZER
MICHAEN CON SCANLAN
MICHAEN R COLEMAN
JOSEPH C FEGAN
JOSEPH C FEGAN
MAND D JOHNSON
STEPHEN L ANTAL
GARY E GUYL
MANTAGNET FABIC
TEMPT C WEISSMAN
DONALC B PRANCE
THERESA MADY GROVE
JAMES F MATTHEWS
BETER M METISER
PAUL A MICHELS
EUJERE A ROMANO
THOMAS E WYNNE
LANCE C MYERS
ASSMININ MEMTA
LANENCE A CLEMENTE
JOHN J FANNING
EUJEMIA B DEROSA
WALTER G CUFF
STEDHEN GAERLER
SMEILA R MARCO
TIMOTHY B BANCROFT
DAUID T METCALFE

PADMITTED IN THE DISTRICT OF COLUMBIA NOT ADMITTED IN NEW YORK

August 3, 1984

Mr. Christopher B. Gosch Rose Chemicals/PCB Division 2459 Charlotte Street Kansas City, Missouri 64108

Re: The Brooklyn Union Gas Company

P.O. #P-82580, B & A #4434

Dear Mr. Gosch:

We have not yet received confirmation from you that The Brooklyn Union Gas Company's PCB condensate material you delivered to Rollins Environmental Services under manifest numbers 00803608 and 00803609 has been destroyed. However, we understand that Rollins has destroyed the material.

As you will recall, Brooklyn Union requires a certificate of destruction of the condensate, clearly identifying the destroyed material as being the condensate Brooklyn Union originally sent to Rose Chemicals for recycling or destruction pursuant to the referenced contract. Brooklyn Union included this requirement in our March 27, 1984 letter to you and you agreed to provide such a certificate in your letters of April 2 and 12, 1984.

Therefore, it is now incumbent upon you to provide a certificate of destruction of the condensate, directed from Rollins to Brooklyn Union as generator of the condensate,

EPA-ARWM/WMBR

AUG 7 6 1934

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Christopher B. Gosch August 3, 1984 Page 2

prepared and executed by a duly authorized individual on behalf of Rollins. We expect to receive this certificate of destruction within 10 days of the date of this letter.

Yours truly,

M. Margaret Fabic

MMF:dj

FEDERAL EXPRESS

cc: Mr. Stephen Busch

Mr. Walter Carolan

Mr. James Carolan

"ENTORSEMENT SENSIT.E"



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7 25 FUNSTON ROAD KANSAS CITY, KANSAS 66115

DATE:

June 16, 1986

MEMORANDUM

SUBJECT:

Rose Chemical Co., Holden, Missouri

FROM:

Charles P. Hensley

Chief, EP&R/ENSV \

TO:

Robert L. Morby Chief, SPFD/WSTM

Attached for your neview is:

__ Data Transmittal

Work Plan

_ Trip Report

__ Preliminary Assessment

HRS Form with Supporting Documentation

_ Final Report of Site Investigation

X Report on Chemical Cleanup Activity

If you have any questions or comments, please contact Paul Doherty at 236-3888.

Attachments

cc:

LABO

E&E

X EP&R - George Hess

X TOPE- Leo Alderman

RCRA

SPFD

EMCM

X CNSL - Scott Pemberton

John C. Wicklund

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BRANCH

Suite 306, Gateway Centre II 4th & State Avenue, Kansas City, KS 66101 • (913) 621-6240

TECHNICAL ASSISTANCE TEAM FOR EMERGENCY RESPONSE REMOVAL AND PREVENTION **EPA CONTRACT 68-01-6669**

:OT

Ron McCutcheon, EP&R/ENSV

June 16, 1986

Robert L. Sholar, Region VII TATL

TAT-07-F-01564

FROM:

Robert L. Fine, Region VII TAIM

TDD #07-8605-30

SUBJECT: Rose Chemical Cleanup

PCS #5330

Holden, Missouri

During the week beginning May 27, 1986, Robert Fine of the Region VII TAT began monitoring the responsible party cleanup of PCB contaminated materials at Rose Chemical Company in Holden, Missouri. The site was visited by the TAT on May 27, 28, and 29. By Friday, May 30, ETI and American Steel personnel had removed several drums of contaminated soil from a tributary of the East Branch of Pin Oak Creek and had excavated around the storm drain manhole cover where the PCB oil drained during the spill. Flow-through fences made of chicken wire and straw were constructed downstream of the spill and absorbent pads were laid down on the creek in an effort to collect the oil. Using sheets of absorbent material, some of the oil atop the containment ponds was skimmed off, but work has since stopped and a sheen remains on the water's surface. In the area where the tanker leaked, a 12 inch berm made of soil and gravel has been constructed to hold any material should another spill occur, and the tanker which caused the spill has been drained and the area around it cleaned up.

On the 29th it was stressed to Don Seymour, ETI representative on site. that excavation of contaminated soil from the diversion ditch and the containment ponds should begin as soon as possible. The TAT was assured that arrangements were being made and that work could begin as early as the next day, contingent upon negotiations with a local heavy equipment operator. Beginning the evening of the 29th, 24 hour site security was initiated by ETI and American Steel personnel.

Overall, during the week ending June 1, significant actions were taken to mitigate PCB contamination of the creek and stabilize conditions around the tanker which leaked, however, a majority of the cleanup still remained to be done.

On Monday, June 2, Fine returned to the site to continue monitoring the cleanup and found nothing at all being done. When ETI representative Don Seymour and American Steel foreman Pat Perrin were questioned concerning this sudden halt in cleanup activities, it was learned that each company was adopting a 'wait and seet attitude until an upcoming meeting at the

Roy F. Weston, Inc.

SPILL PREVENTION & EMERGENCY RESPONSE DIVISION

In Association with ICF Inc., Jacobs Engineering Group Inc., C.C. Johnson & Associates, Inc., and Tetra Tech, Inc.,

Regional Office on June 3 could hopefully settle some disputed claims of liability.

At the meeting on June 3 with EFA and representatives of all parties named in the CERCIA 106 Order, a verbal agreement was reached whereby Walter Carolan (owner of Rose Chemical and American Steel) and ETI would provide additional personnel to expedite the cleanup process. It was also made known that EFA-wanted a site security fence to be installed as soon as possible (reference memo from George Hess to Walter Carolan concerning fence specifications).

George Hess, EPA/ENSV, Steven Kinser, EPA/WTMG, and Robert Fine returned to the site on June 5 to check on the cleanup and meet with Pat Perrin and Dwight Thomas of American Steel. Hess and Fine sat down with Thomas and radically modified a sampling plan for the creek tributary he submitted to EPA the day before. Presently, the schedule calls for Thomas to sample the area on June 16 under the supervision of TAT. Splits will be provided to EPA. After American Steel has analyzed a sample and found it to contain less than 2 ppm PCB, the EPA lab will run their corresponding split to check it out. Any section found to contain greater than 2 ppm PCB will have more soil removed and be resampled until it meets the cleanup criteria.

On Monday, June 9, Fine was informed by Don Seymour that ETI intended to pull out of the cleanup all together. Of the remaining parties named in the Order, none appear to have any intentions of doing any more than what has been mentioned. Also, Dwight Thomas has said that unless American Steel receives funding from someone else, the site security fence will not be installed either.

Since American Steel personnel continue to work on site, there is an immediate and significant risk of harm to human health as well as the environment. An open containment pond adjacent to where the tanker leaked has been sampled and found to contain sludges with PCB concentrations of approximately 360 ppm. Likewise, the diversion ditch and two other containment ponds are contaminated. These ponds are in poor condition and stand a good likelihood of overflowing during a hard rain. The storm drain pipe leading from the tank farm to the creek tributary is also contaminated. As brought out in the meeting with EPA on June 3, the site security fence is inadequate and the presence of trained security personnel is also lacking. A site visit on June 12 found the designated person for security to be the same person who at other times has been observed to be mowing the grass or doing secretarial work.

At the west end of the facility, and located outdoors, several storage areas contain thousands of gallons of contaminated oil in aboveground tanks. These tanks are surrounded by earthen berms which have been collecting rainwater and thus reducing their containment capacity should a spill occur. This situation places the tank farm in potential violation of SPCC guidelines.

According to the CFRCIA 106 Order issued on May 23, 1986, those 'persons' named (except for Lear Siegler and the City of Holden) have failed to comply with several of the outlined Immediate and Initial Response Actions, as witnessed by Robert Fine on several site visits, the most recent being June 12.

The following list some, but not necessarily all, of these actions.

- o Removal and containerization of all free-flowing oils resulting from the spill.
- o Excavation and containerization of all contaminated soils, tributary and creek sediments, and other materials resulting from the spill.
- o Establishment of twenty-four (24) hour security on-site with the presence of trained security personnel at all times.
- o Construction of a complete EPA approved chain link security fence surrounding the Holden facility to prevent access to unauthorized personnel.

Though negotiations may be continuing with the generators and other potential responsible parties, it is felt that the situation at this site warrants immediate attention in the area of site stabilization and cleanup.

ROBERT L. FINE Region VII TATM

RLF/dm

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7 25 FUNSTON ROAD KANSAS CITY, KANSAS 66115

May 22, 1986

MEMORANDUM

SUBJECT: Rose Chemical Clean-up Status

FROM:

George Hess, Geologist 4KH

TO:

Charlie Hensley, Chief, EP&R

On May 21, 1986, Phil Keary and I went to the Holden facility of Rose Chemical to monitor the progress of the clean up.

The actual field clean up is under the direction of Gary Sandersted of ETI. ETI has a labor force of three people doing the actual clean up, one from ETI and two from American Steel. Mr. Sandersted indicated the clean up has focused on the oil in the creek although, at the time of the inspection, they had run out of absorbant pads and indicated they could not locate a source around Kansas City. To date, 17 55-gallon drums of material has been generated from the creek since the clean up began.

At 1100 hours, American Steel/ETI removed the 3 1/2-foot diameter steel manhole cover. Present were Dwight Thomas, formerly with Rose, now with American Steel; Gary Sandersted, ETI; and the American Steel/ETI clean-up crew. The manhole is at the junction of two storm sewer lines, one from the east (probably toward a manhole just north of the east entrance to the site) and another line which comes from under the facility (NNE). The sides of the manhole appeared to have relatively fresh oil stains around the entire circumference, and approximately 1/3 of the way to the bottom (approximately 8-9 feet). Only a slight sheen was visible on the water at the bottom of the manhole. The storm sewer is still being diverted to collection ponds at the southwest corner of the site via a ditch. Oil is being caught in the ditch by several booms placed between the pipe (18-24" diameter) and collection pond.

During the investigation Dwight Thomas indicated the following:

- 1. The tanker that leaked had a compartment capacity of 2650 gallons.
- 2. The other three compartments contain approximately 5500 gallons of clean oil, i.e., <50 ppm PCB.
- 3. The material in the compartment that leaked was probably flush material from March 7, 1986.

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MAY 2 3 1986

AIR AND TOXICS DIVISION

- 4. The composite sample from the three compartments showed 14 ppm PCB, which is clean according to law. He indicated Rose only would certify oil leaving the plant was <50 ppm.
- 5. American Steel Works leased the facility prior to Rose Chemical moving to the site.
- 6. The manhole should have been sealed with concrete.
- 7. The remaining oil in the tankers may cause other compartments to rupture since the oil will corrode the aluminum tank interior. There was no tankage available for the tanker's contents on site, so it would be disposed of through an oil broker.

At the present time, it appears no one will admit they are responsible for the spill or in charge of the clean up. Oil was still visible in the creek at 1130 hours May 21, 1986. Oil is still coming out of the secured storm sewer. The main gate to the site (east) is open and unattended. Visitors to the site, according to a sign, are asked to sign in at the office. The only security at the site is a 5-strand barbed wire fence, surrounding the 13-acre facility.

Steve Kay, ETI, contacted me at my residence approximately 1730 hours and indicated the following:

- 1. Clean up is only for "gratis."
- 2. Can only maintain the three-man clean-up crew.
- 3. Will start hand excavation of contaminated soil May 22, 1986, and place soil in 55-gallon drums.
- 4. Will place a berm between tanker which leaked and sewer manhole.

Attached is the ETI scenario of the spill received by EP&R May 22, 1986 (mail May 21, 1986).

Attachment



TO: File

FROM: Steven R. Kay DATE: May 19. 1986

Subject: Oil Spill at Rose Chemicals Site

Spill first reported to ETI on Tuesday May 13 at approximately 1430 hours by Pat Perrin to Ken Kulinowski. Apparently some 200-300 gallons of treated oil had leaked onto the ground from a tank trailer parked at the loading dock in bay area #1. The torrential rain which had been falling over the previous three days had washed the oil into the berm area immediately below the dock area which encompasses all of the dock area tankage.

First indications were that all spillage and surface runoff were contained within the berm and thus first line efforts were to contain all materials within said berm. A drain line leading from the berm was leaking slightly therefore a sump was created at the point of leakage and a sump pump installed to pump any liquids directly back into the berm area. Again at this time there was no evidence of any spillage outside the berm area.

On Wednesday, May 14, all liquids in the berm area was pumped into tankage, samples were taken from the leaking tanker as well as the berm area. The following results were attained:

Tanker - front compartment 14ppm middle compartment 39ppm back compartment 14ppm 107ppm Bottom Sludge 362ppm

It rained again on Wednesday Evening, and Thurday Morning, the berm area was pumped again on Thursday into tankage. No additional sampling was done.

Following another substantial rainfall on Thursday Night, Friday Morning a significant amount of oil was discovered in Pinoak Creek by local residents and reported to Missouri Department of Natural Resources who in turn reproted same to the United States Environmental Protection Agency, Region VII. ETI was notified at approximately 1600 hrs by Mr.Walter Carolan. Steven Kay and Donald Seymour arived on-scene at approximately 1700 hrs. to view the situation and meet with Missouri DNR personnel, and EPA's

Technical Assistance Team Contractors Roy F. Weston representatives. Mr. Carolan was contacted and the green light was given to continue cleanup operations which had begun earlier under the supervision of Mr. Perrin from American Steel Inc., a co-tenant of the Rose Chemicals Facility, and former employee of Rose Chemical. Oil absorbent which had been placed in the stream were left in place. Containment/Absorbent booms of straw were placed in two locations in the stream.

The oil had apparently been flushed from a storm sewer line which it had apparently entered on Tuesday, thus the storm line to Pinoak Creek was broken and diverted to the lower lagoon on the Rose Chemicals Property. The above accomplished, the site was secured at 2100 hrs. for the night.

Saturday Morning, May 17, 1986 ETI representatives arrived on site to continue efforts to cleanup the contamination and prevent recurrence fo same. The lower berm area was reinforced and expanded, the storm sewer drain at the entrance to the property was blanked off and the run on water diverted away from the storm drain in an attempt to cut back on the amount of water requiring containment on treatment. A berm was built to contain and divert any runoff from the loading dock area to the primary containment berm, and the suspect manhole was isolated. A sample taken directly from Pinoak Creek was analyzed at approximately 96 ppm.

On Sunday, May 18, 1986 the run on diversion swale was upgraded to accommodate traffic while still serving its primary purpose. A new run on diversion berm was built to divert surface waters around the secondary containment berm. Both the run-on swale and the diversion berm were read with a transit to determine their viability. ETI's Emergency Response Trailer arrived on site, along with Foreman - Gary Sondersted and Equipment Operator Donald McMahon. Operations Supervisor - Gerald Baryza and two laborers are en route. Health and Safety Officer -EMT- Fred Niles, and Technical Supervior Michael Brady are standing by to be on-site as soon as necessary.

PLANNED CONTINUED ACTION:

Monday, May 19, 1986 ETI Foreman - Gary Sondersted and Equipment Operator Don
 McMahon will remove any and all oil soaked or otherwise
 contaminated vegetation, debris and any other material which
 appears contaminated. All material removed will be double
 bagged and placed in open drums for future removal and
 disposal.

- Visible oil and oil soaked debris will be removed from both the primary and secondary runoff berms and double bagged as above, and placed in open drums for future removal and disposal.
- 3. A series of 6 activiated carbon columns will be put in place subsequent to the primary containment berm and prior to the secondary berm. All water passing from the primary to the secondary berm will pass through these columns. Testing will be performed on the secondary containment berm to determine the PCB Level in the water, if the water meets discharge permit parameters it will be discharged, if not it will be treated a second time, then discharged.
- 4. Once the primary berm area has ben emptied via the above process it will be scraped clean with a backhoe, all removed soils and sludges will be placed in open top drums for future removal and disposal. The berm collection area will then be lined with a reinforced poly liner, a center drain will be installed which will allow removal of liquid for pre treament—or directly to the activated carbon system previously discussed. A recirculation pump system will be installed from the secondary containment berm to return water which does not pass the QA/QC parameters necessary for discharge under the existing NPDES permit to the primary containment area for retreatment.

The preceeding information is true to the best of my knowledge

Steven R. Kay Vice President Special Services Environmental Technology, Inc.

The planned Continued Action is acceptable to U.S. EPA Region VII and Missouri DNR.

U.S. EPA

Missouri DNR

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RECEIVED

MAY 22 1986

AIR AND TOXICS DIVISION

Page 2

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U.S. EPA

Missouri DNR



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Rose Cleans Filo

REGION 7 25 FUNSTON ROAD KANSAS CITY, KANSAS 66115

RECEIVED

JUN 0 5 1986

June 3, 1986

MEMORANDUM

SUBJECT: Martha Rose Chemical, Holden, Missouri - Update

FROM:

George Hess GISH

FIRE/EP&R/ENSV

TO:

Charles P. Hensley Chief, EP&R/ENSV

harles P. Hensley

AIR AND TOXICS DIVISION

RECEIVED

JUN 5 1988

On May 22, 1986, Loren Stafford, TAT, and I personally issued the attached 311 Notice Letters to Walter C. Carolan, Rose Chemical, and to the Office of ETI. Attached are the orginal receipts signed by Walter Carolan and ETI.

On May 23, 1986, Wood Ramsey, TAT, accompanied me to monitor the progress of the cleanup. When we arrived at the site at 1145 hours, it appeared the cleanup had not progressed much since my previous site visit on May 21, 1986. Oil was still visible in the creek below the storm sewer outfall.

A total of nineteen 55-gallon drums were filled with contaminated debris from the creek. The clean-up crew had pumped out two of the three compartments from the tanker which had caused the spill. The oil was being pumped to a steel tank in the main building. I questioned the ETI foreman on site, Gary Sondersted, as to whether they had received the 311 Notice Letter the previous day. Mr. Sondersted then proceeded to his office to call Don Seymour, ETI, when he returned he indicated Mr. Seymour had just gotten the letter. I explained the purpose of the letter and that the EPA was ready to issue a notice that the clean-up action by ETI, American Steel, Rose Chemical and Walter Carolan was improper and EPA would take over the cleanup under Section 311 of the Clean Water Act.

At 1300 hours, I talked with Phillip E. Badame, president of ETI, who indicated that in no way was ETI liable for the spill or cleanup. However, he agreed to expedite the cleanup and assist in any way possible. Mr. Badame authorized Mr. Sondersted to purchase the necessary equipment and indicated more personnel will be on site on May 27, 1986. Mr. Badame indicated he could be reached for further assistance at ETI's 24-hour phone number (716) 693-7700 or his home number (716) 691-1118.

Prior to leaving, I went over the following spill cleanup outline with Mr. Sondersted:

ASSIFI

1. Remove oil from surface of the creek.

Excavate any soil with visable oil residue, with a minimum clean-up level of 2 ppm for PCB. \underline{z}

- Continue offloading the oil in the tanker which caused the leak to a tank compatable with the oil.
- 3. Excavate contaminated soil around the storm sewer manhole (where the contaminated oil entered the storm sewer).
- 4. Clean the storm sewer line to remove the remaining oil.

I returned to the site on May 24, 1986, to monitor the cleanup. Pat Perrin was on site to supervise for American Steel Works. The cleanup was well underway when I arrived at 1100 hours. Oil was being removed with absorbant pads on the creek. ETI and American Steel had constructed some fences across the creek in the event of rain to catch the floating absorbent pads. I again went over the clean-up scenario with both Mr. Perrin and Mr. Sondersted. We agreed on the previously mentioned four points and agreed on the additional following items:

- 1. After the oil in the creek is cleaned up, pump out the tank farm pond (dock tank primary berm) and remove contaminated soil. A local contractor, John Hancock Construction, will do excavation on May 27, or May 28, 1986.
- 2. Clean oil out of the ditch and pond from intercepted storm sewer. Mr. Perrin indicated the storm sewer only drains the facility and will permanently be routed to the collection pond at the southwest corner of the property. He further stated it was not connected to the city system but collected surface water from the ditch along McKissock Street until the drainageway was constructed after the spill the previous week.

Mr. Sondersted indicated a bobcat should be on site Tuesday to handle drums and assist in the excavation of contaminated sediment from the creek. ETI and American Steel will sample the creek after the cleanup is completed and EPA will take some samples along the creek to confirm that the cleanup is complete and acceptable.

The TAT will continue to monitor the remainder of the cleanup. It appears the cleanup has made considerable progress since the May 23, 1986, site visit.

Attachments

ENFORCEMANT SENSOTTERS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

May 22, 1986

Walter C. Carolan, President
Martha C. Rose Chemical Co. Inc.
American Steel Works Inc.
W. C. Carolan Co. Inc.
Dust Suppression Systems Inc.
2459 Charlotte St.
Kansas City. Mo. 64108

Gentlemen:

This is to inform you that a pollution incident has occurred at the Martha C. Rose Chemical Co., Holden, Missouri, on May 12-16, 1986, for which you may be financially responsible. Under federal statutes, the United States Government has an interest in this incident and may take appropriate action to minimize damages which are threatened or may be caused by this incident.

The discharge of a prohibited quantity of oil or a hazardous substance is a violation of the Clean Water Act, as amended. Under this act, the owner or operator of the source may undertake removal action. If he refuses to take adequate removal actions, he may be held financially responsible for action taken by the Federal Government to remove the pollutant and adequately mitigate its effects. Removal is being done properly if it is done in accordance with federal and state statutes and regulations and the criteria of the National Oil and Hazardous Substances Pollution Contingency Plan. If you undertake removal action, the adequacy of such action shall be determined by the federal On-Scene Coordinator. The On-Scene Coordinator for this area is Mr. George Hess.

So long as you are taking adequate actions in this matter, federal action will be limited to monitoring of the progress of your actions and provision of guidance, as necessary.

If it is determined that you are not taking prompt and appropriate action to clean up, contain, and remove the pollutant, federal response may be initiated. You may then be held responsible for actual costs incurred by the Federal Government as set forth in section 311(f) of the Clean Water Act, as amended. Should you require further information concerning this matter, please contact:

Mr. George Hess U.S. EPA

25 Funston Rd. Kansas City, KS 66115 Phone: 913-236-3888 or 24 hr. # 913-236-3778

Sincerely,

Showe K Herr George Hess

Geologist

Emergency Planning and Response Branch Environmental Services Division

Received by:

5/22/86 /5 27 Hours



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7 25 FUNSTON ROAD KANSAS CITY, KANSAS 66115

May 22, 1986

Steve Kay -Environmental Technology Inc.
660 Penn Tower
3100 Broadway
Kansas City, Missouri 64111

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Kansas City, KS 66115 Phone: 913-236-3888 or 24 hr. # 913-236-3778

Sincerely,

Kinze 17 ller George Hess

Geologist

Emergency Planning & Response Branch Environmental Services Division

Recieved by: Barbara Woodline

5/22/86 /5.35 Hours

84 SWEENEY ST. • NORTH TONAWANDA, NEW YORK 14120 • 716-693-7700

May 19, 1986

Dear Sir:

Enclosed please find a copy of Environmental Technology's proposed plan for remedial activities at the Rose Chemicals Site in Holden, Missouri.

As you can see, ETI is in no way affiliated with Rose Chemicals, Inc., its Officers, Principals, or Employees. ETI has however been successful in negotiating a Management Agreement with Rose Chemicals. At present ETI is on-site and functioning in your behalf at our expense! We recognize the financial risk, but we are confident that once the Generators or Responsible Parties recognize the postitive side of ETI's involvement that our remediation plan will be received also in a positive manner.

For your information, ETI has been on site since May 12, 1986 and has already responded to one spill which was promptly cleaned up, and another which is presently being cleaned up. ETI has already spent considerable time and effort reviewing the internal records of Rose Chemical which have been made available to ElI under the Management Agreement. ETI has already spent considerable time learning the warehousing system (as it exists) with full access to the entire facility which again has been made available under the Management Agreement. ETI is in the process at present of upgrading the surface water runoff treatment system and increasing the capacity of the holding and discharge areas to handle the spring rains. ETI is also presently upgrading the onsite building and equipment decontamination facilities, as well as personnel decontamination facilities already begun by Rose Chemical.

The Management Agreement between ETI and Rose Chemicals also offers several time and cost advantages to the Generators /Responsible Parties in that, because ETI is already on-site and functioning with a contract, there is no need for any legal action or long drawn out, and costly court action to gain access to the site.

An organized, professional approach is necessary if this project is to proceed in a realistic time frame with any degree of cost efficiency.

If you feel that you would prefer to remove the materials owned by your company you are certainly welcome, however we suggest you come visit the site and speak directly with our personnel and see for yourself the difficulties involved first. Any such removal would have to be scheduled with ETI and be accomplished under ETI's guidelines as prepared for the Rose Chemicals Site.

The U.S. EPA, Missouri DNR and Local Government agencies are totally cognizant of ETI's acitivities and of this attempt and contact with the Generators/Responsible Parties with regard to ETI's intentions. Another package containing a proposed contractual agreement and a letter from the President of ETI should reach you shortly.

We sincerely hope that the material presented here meets with your approval, and that you will consider the services that ETI is offering under these difficult circumstances. If you have any questions, or if we can be of any further service please don't hesitate to contact ETI at 813-931-7060 or 716-693-7700.

Very truly,

ENVIRONMENTAL TECHNOLOGY, INC.

Steven R. Kay

Vice President Special Services

Enclosure

SK:bw:24,25



84 SWEENEY ST. • NORTH TONAWANDA, NEW YORK 14120 • 716-693-7700

May 15, 1986

Mr. David Tripp, Region Counsel United States Environmental Protection Agency Region VII 726 Minnesota Avenue Kansas City, KS 66101

Re: Proposal for remedial activity

Rose Chemical Site - Holden, Missouri

Dear Mr. Tripp:

In keeping with our agreement to provide a detailed site operations plan for the remediation of the Rose Chemical Facility, Environmental Technology is pleased to submit the enclosed for your review and comment.

ETI is anxious to begin actual operation on the project and hope that this plan meets with your approval and endorsement.

Very truly yours,

ENVIRONMENTAL TECHNOLOGY, INC.

Steven R. Kay

Vice President Special Services

Enclosure

SK: bw: 4

ENFORCEMENT SENSITE E



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7 25 FUNSTON ROAD KANSAS CITY, KANSAS 66115

May 20, 1986

MEMORANDUM

SUBJECT: Rose Chemical Spill - Holden, Missouri

FROM

George Hess CAR H-FIRE/EP&R/ENSV

T0:

Charles P. Hensley Chief, EP&R/ENSV

On Monday, May 19, 9186, I accompanied Bob Jackson, EPA/TOXICS and Bob Fine, EPA/TAT, to the Rose Chemical facility in Holden, Missouri. The purpose of the trip was to investigate the reported PCB oil spill into a creek south and west of the facility, which is a tributary of East Pin Oak Creek. The initial spill was reported by ETI (Ken Colinsky) to Art Spratlin (EPA) on Tuesday, May 13, 1986. EPA/EP&R was notified through MDNR of the spill on Friday, May 16, 1986, when oil was discovered in the creek by a neighbor who reported it to Tony Lerda (previously MDNR employee) to Jim McConathy, Kansas City Regional Administrator for MDNR, who happened to be in Holden.

We arrived on site at approximately 1240 hours. An employee of American Steel indicated that we needed to contact ETI concerning the spill. Apparently, American Steel is another subsidiary company which uses the Holden facility owned or leased by Walter C. Carolan. We contacted the ETI labor foreman on site who indicated he had just arrived from New York state the night before and any information would have to come from Steve Kay of ETI in Kansas City (816/931-7060), who presently was out of the office. We left the facility and obtained two sediment and two water samples from a tributary to East Pin Oak Creek in the vicinity of the Holden wastewater treatment plant (approximately 600-1000 feet from the discharge point).

Oily residue can be seen along the creek bank from the discharge point for approximately 1000 yards where the tributary connects to East Pin Oak Creek. An oil sheen was observed at various points along the 1000-foot section. An intermittent sheen can be seen on East Pin Oak Creek near the Holden wastewater treatment plant.

During the spill period, and at the time of the inspection, four steers were grazing on the 10 acres adjacent to the Rose Chemical property owned by Meta Anderson (816/732-4813) and leased to Bill Murphy (816/597-3568).

At 1400 hours we returned to the office, signed in and then proceeded to the spill area on the facility grounds. According to Steve Kay, ETI, the spill resulted from a leak in a tanker truck (#T461) located at the west end of the main building. The leak developed in the front compartment and spilled approximately 200-300 gallons of "treated" oil. The oil ran into a catch basin (pond) for the tank farm and into a storm sewer man hole between the catch basin and the loading dock where the trailer was located. Steve Kay indicated that on Tuesday a sample was obtained from the #1 compartment and was analyzed by American Steel Company who has a GC at the Holden facility and indicated the result was 15-20 ppm PCB.

Other samples analyzed for PCBs by American Steel included the following:

- 1. Sludge from bottom of tank farm catch basin (Pond #1) approximately 360 ppm.
 - 2. Soil from top of birm at Pond #1 approximately 160 ppm.
 - 3. Oil in creek (taken on Saturday) 90-95 ppm.

Apparently, ETI has signed a site management agreement with Walter C. Carolan (attached), but is not being compensated by Rose Chemical in any way. ETI is in the process of writing a proposal for the cleanup to be funded by the generators who send PC3 oil to the Holden facility.

Steve Kay indicated he would sent a copy of the spill scenario and sample results concerning the spill to EP&R on May 19 or 20, 1986.

Initially, American Steel had two employees cleaning up the spill on Friday. The ETI took over cleanup with a 3-4 man crew. Friday evening the storm sewer was diverted into a holding pond at the SW corner of the property to prevent PCB-contaminated oil from being discharged into the creek. ETI reported that approximately two inches of rain fell on the site Friday night. ETI is continuing the cleanup at this time.

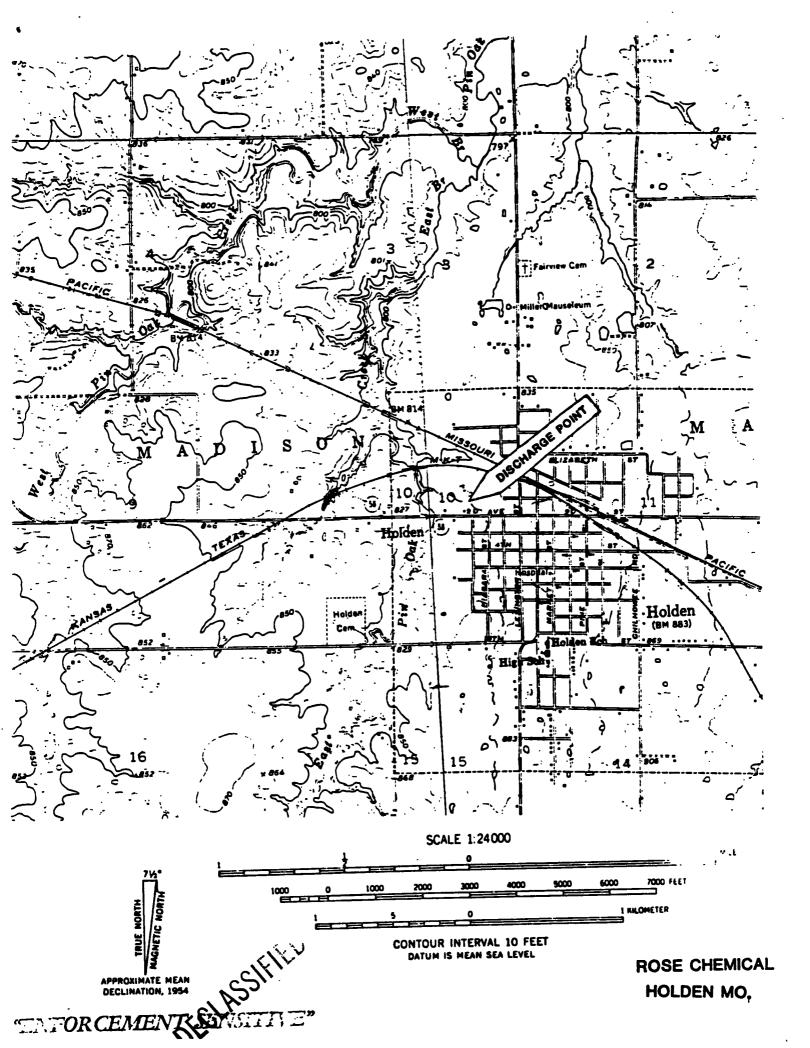
Attachments



EMERGRACY PLANNING AND BESPONSE

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PROPOSAL

FOR

REMEDIAL ACTIVITIES

AT

ROSE CHEMICAL SITE

HOLDEN, MISSOURI

submitted
by
ENVIRONMENTAL TECHNOLOGY, INC.
84 Sweency Street
N. Tonawanda, NY
716/693-7700

Offices at: 660 Penntower 3100 Broadway Kansas City, Missouri 64111 816/931-7060

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INTRODUCTION

1.0	Contractors Qualifications
2.0	Scope of Work
3.0	Technical Approach
4.0	Quality Assurance/Quality Control Plan
5.0	Health and Safety Plan

INTRODUCTION

Environmental Technology, Inc., a Delaware-Corporation based at 84 Sweeney Street, North Tonawanda, New York is comprised of a staff of middle management personnel having over 85 years experience in the hazardous waste management field. The main thrust of ETI is the management of remedial activity ventures for both private and public sector clients.

In this light, ETI learned of the potential closure of the Martha C. Rose Chemical Corporation and the impending need for remediation of the site and entered into an agreement to manage the Rose Chemical facility in Holden, Missouri. It is ETI's understanding that Rose Chemical had been, in former days, a viable processing and treatment facility operating under the full sanction of EPA Region VII guidelines. Having viewed the facility on a number of occasions it is readily apparent that it had great potential for continued success and growth. Technologically and operationally, with a principal processing area of 80,000 square feet under roof and a secondary storage area of roughly 20,000 square feet, the Rose facility was sized properly to do a volume business. One major element was necessary to keep the facility viable and that element was lacking. Outside disposal of the processed goods on a timely basis was that element.

For lack of an established schedule at the disposal facilities and an inability to pay premium disposal costs, the Rose facility began to stockpile materials in hope of a long-term solution -- on-site incineration of oils and capacitator cores containing PCB's. The shortfall appears to have been pricing different commodities at unrealistically low prices without keeping pace with rising disposal costs.

This lowball approach to achieving volume without the ability to dispose of the residual materials from the processing was ill advised and indicates that proper research into projected costs was not properly positioned in the sales and marketing effort.

When the potential for on-site, low-cost incineration no longer was a viable option, there was no way to reverse potential downside economics.

It is our understanding that after Region VII EPA issued compliance orders Rose Chemical was unable to conform to, all of the above factors contributed to a decision to cease operation on or about March 11, 1986.

Having heard from industry sources of Rose Chemical's dilemma and being desirous of branching out in the Midwest, ETI set a course to actively manage the Rose facility with the intention of remediating the over-capacity and site environmental problems. Once that complete remediation is completed, it is ETI's intention to pursue permitting and ongoing operation of the Rose facility. This would be done with the guidance of Region VII EPA officials.

ETI is not financially associated with Rose Chemical in any way, nor has ETI ever sent material to the facility. Actually, ETI represents some of the PRP's at Rose Chemical while acting in a consultant capacity for these particular generators.

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The goal of ETI is to adapt an opportunistic approach to site remediation at a erasonable profit and then develop an acquisition thrust for the physical assets at Rose Chemical.

At the onset, several members of the defunct Rose Chemical Sales and Marketing staff were retained to maintain some continuity of sales and service. The relationship proved to be less than mutually desirable and ETI's association with the former Rose Chemical Sales Staff was terminated on April 30, 1986.

ETI maintains an office as a separate entity at the Penntower Office Building, Suite 660, 3100 Broadway, Kansas City, Missouri 64111, operating wholly separate and apart from Rose Chemical. Telephone inquiries to Rose Chemical regarding the facility are being forwarded to ETI personnel as a part of the project management agreement.

A detailed site remediation concept now follows in keeping with ETI's plan to properly manage the removal of inventory and cleanup of the facility.



1.0 CONTRACTOR'S QUALIFICATIONS

Corporate Structure

Environmental Technology, Inc. was incorporated in March of 1984 under the laws of the State of New York, and in July of 1985 under the laws of the State of Delaware.

The Officers
Philip E. Badame
Kenneth J. Kulinowski
Steven R. Kay
John F. Papsidero

President

Vice-President - Disposal Services Vice-President - Special Services Vice-President - General Counsel

Departments

1

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1

1. Ron Prohaska

2. James L. Margolin

3. Michael Brady

4. Gerald Baryza

5. Frederick Niles

6. Susan C. Eliah

7. Donald R. Seymour

8. Randall Tarbell, II

Manager - Operations
Senior Project Engineer
Manager Technical Services
Project Manager

1

Project Manager
Project Supervisor

Environmental Consultant - Disposal Environmental Consultant - Groundwater Environmental Consultant - Asbestos

Company Services

Environmental Technology, Inc. utilizes both in-house and subcontracted capabilities to offer industry and the government a full range of services and expertise in the treatment, processing, and disposal of chemical and hazardous waste. The basic services currently offered by Environmental Technology, Inc. follows.

Environmental Consultation

ETI personnel follow a logical progression to determine a generator's individual requirements. After an initial site visit, ETI develops a comprehensive proposal outlining the quantity, quality, and character of each waste generated along with the solutions to each problem. Each proposal includes a detailed physical description of the existing storage, handling, treatment, and disposal practices available. After carefully evaluating this information, ETI will provide recommendations for those actions necessary to bring a generator into compliance with the regulations.

Environmental Technology, Inc. provides consulting services to industry and government for such purposes as developing a sound waste management plan, determining the nature of specific hazardous wastes, providing environmental compliance information and technical assistance.

Field Services

ETI provides complete services necessary to investigate and clean up industrial pits, ponds, lagoons, and underground storage tanks. ETI offers complete on-site assistance in the collection, evaluation, and packaging of a generator's hazardous waste. Proper labeling and suggested storage techniques are provided as well as sampling and analysis in order to determine and recommend the proper methods for treatment and disposal.

TENEDO CERCOLES CONTROL

Groundwater Investigations

ETI is available to provide complete groundwater investigation contractor services throughout the continental United States. These services include soil sampling, rock coring, monitoring well installation, large and small diameter rock holes, and wells up to 24" diameter. Experienced personnel and diversified equipment allow work to be completed on such jobs as landfills, surface impoundment closures, abandoned chemical waste dump sites, factories, LUST (Leaking Underground Storage Tank) sites, recovery projects, and groundwater studies.

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Waste Site Remedial Action

ETI will investigate waste sites and determine those services required to properly remediate the area. ETI will then provide excavation, drum staging, waste characterization and waste removal.

On-Site Laboratory Services

Waste Characterization can be provided by on-site laboratory equipment and personnel. Approved and accepted test methods are utilized to determine preliminary waste data. Laboratory equipment can be altered or exchanged to complete an in-depth analysis on each waste.

Transformer Decommissioning and Retrofill

ETI will prepare each unit for transport to the disposal facility. Preparation will include draining or sealing of the unit as required. ETI will load the unit onto the transport vehicle and supervise the securement.

ETI will provide the service of retrofilling PCB units, and provide proper replacement fluid. ETI will manage disposal of the drained PCB fluid as part of our services.

Chemical Laboratory Clean-Up

ETI will inventory stored chemicals and properly package unused or out-of-date materials to ready them for disposal. Inventory lists will be kept according to disposer guidelines and disposal will be coordinated through ETI.

Project Management

ETI will provide professional construction management personnel to oversee and manage project utilizing the individual capabilities of industry leaders in such areas as Health and Safety, Analytical, Excavation, Decontamination, Transportation and Disposal. ETI will assist these industry leaders to effect a professional and cost-effective clean up.

Asbestos Removal and Encapsulation

ETI can provide safe removal or encapsulation of asbestos insulation or ceiling tiles utilized in many older building structures. Throughout the course of the project, air monitoring is provided. Post-removal or encapsulation air quality is performed as part of our service.

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Off-Shore Remedial Recovery

ETI is also available to provide experienced personnel for off-shore oil spill containment and clean up including necessary boats, booms, absorbent materials as prime contractor or sub-contractor.

The Management of ETI constantly seeks to keep abreast of the latest changes in Federal, State, and local regulation. On-site personnel maintain a close liaison with the Federal and State agencies in order to be advised of any new regulations or changes in existing regulations.

The management personnel of ETI have worked for years in the hazardous waste industry and have had constant exposure to the pioneers in the industry and they are, themselves, considered to be members of this group. Resumes are available upon request and a list of references is attached.

ENVIRONMENTAL TECHNOLOGY, INC. EPA ID #NYD981142276

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TRANSPORTATION AND HEAVY EQUIPMENT

ETI has entered into agreements with several heavy equipment contractors and hazardous transporters, each a specialist in its field. As a result, ETI can muster a fleet of trucks, including flat beds, dump, rolloff, and box trailers in a matter of a few hours. Similarly, through qualified heavy equipment companies, ETI can provide specialized equipment companies, ETI can provide specialized equipment such as vacuum tankers, PCB dedicated tankers, super suckers, backhoes, forklifts, cranes, dredges, belly scrapers, drag lines, barges, dozers, and front end loaders.

TRANSPORTATION:

- Buffalo Fuel Corporation · Niagara Fall, NY NYD051809952 (Hazardous Waste Transport) NYS9A-098
- Price Trucking Corp. Buffalo, NY NYD046765574 (Hazardous Waste Transport) NYS9A-025
- 3. Tonawanda Tank Transport · Tonawanda, NY NYT09764480
- 4. Dart Trucking · Canfield, Ohio OHD009865825
- 5. Delvecchio Sanitation Disposal Service, Inc. Dunmore, PA PAD980714604

HEAVY EQUIPMENT

- 1. SLC Consultants/Constructor · Lockport, NY
- 2. Rushton Crane Services · Clifton, NJ
- 3. Cuyahoga Wrecking Corp. · Buffalo, NY
- 4. Sevenson Containment Corp. Niagara Falls, NY
- 5. Central NY Industrial Services · Oswego, NY
- 6. Bowser & Morner Inc. Dayton, OH

ANALYTICAL

Recra Research · Amherst, NY

Calecerino's & Spina · Syracuse, NY

HEALTH & SAFETY

Phoenix Safety, Inc. · Phoenix ville, PA

Hazco Inc. · Dayton, OH

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DISPOSAL SERVICES AVAILABLE THROUGH ETI

Environmental Technologies, Inc. has disposal agreements with many disposal facilities allowing ETI to use their incinerators, liquid treatment facilities or secure chemical landfills. These facilities are each fully permitted and are operated in strict compliance with health, safety, and environmental standards and with appropriate permits from Federal and State authorities. With more stringent Federal regulations pending, the sites selected for contract use are those ETI considers to have the technical and financial capability, and commitment to compliance. These criteria are most important in ETI sites selection process. Some of these permitted facilities and their capabilities are:

- 1. Frontier Chemical Waste Services · Niagara Falls, NY NYD043815703 (Fuel Blending, Treatment)
- 2. SCA Chemical Services · Model City, NY
 NYD049836679 (Secure Landfill, Treatment, Storage/Transfer,
 Fuel Blending)
- 3. SCA Chemical Services · Newark, NJ
- 4. CECOS International · Niagara Falls, NY NYD080336241 (Landfill/Treatment)
- CECOS International Williamsburg, OH OHD087433744
- Modern Disposal · Youngstown, NY NYD051817682 (RCRA Non-hazardous waste)
- 7. Nelson Industrial Services · Detroit, MI MID098011922 (Reactive Waste)
- 8. Fondessy · Toledo, OH PAD980554893 (Secure landfill)
- 9. Wayne Disposal · Wyandotte, MI MID09663194 (Secure landfill)
- 10. GSX · Pinewood, SC SCD070375985 (Secure landfill)
- 11. SCA Chemical Services · Chicago, IL IL000672121 (Incineration)
- 12. SCA Chemical Services · Fort Wayne, IN IND078911146 (Secure landfill)
- 13. Norlite, NY · Cohoes, NY NYD080469935 (Low grade fuel blending)
- 14. Clean Harbors Braintree, MA MAD053452637 (Solvent recovery)
- 15. Waste Conversion · Hatfield, PA
 PAD085690592 (Liquid waste treatment)
- 16. Modern Disposal Inc. Model City, NY NYD051817682 (Industrial landfill)

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PROJECTS COMPLETED BY ENVIRONMENTAL TECHNOLOGY, INC.

Mid Atlantic Refinery Services #6 Oil Spill - Delaware River September - October, 1985

N.Y.S.D.E.C. Clay, NY Reactive Chemical Waste Removal (2 projects) September, 1985

City of Buffalo Drum removal - 800 drums October - November, 1985

Union Carbide Corp.
Linde Division
Tonawanda, NY
Hazardous waste removal (3 projects)
November 1985 - Present

URS Company, Inc.
Fulton Terminals
Clothier Site
Drum removal, staging, sampling, and waste characterization (2000+ drums)
November, 1985 - January, 1986

Yellow Freight Motor Lines Buffalo, NY Vehicle decontamination December, 1985

N.Y.S. D.O.T. Albany, NY Statewide drum removal (43 sites) January, 1986 - Present

City of Dunkirk, NY Dunkirk, NY PCB remediation April, 1986

West Seneca School District
West Seneca, NY
Removal of package laboratory chemicals
April, 1986

City of Syracuse School District Syracuse, NY Asbestos removal, Project Management March 1986 - Present

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PHILIP E. BADAME

EDUCATION

B.S. Physics - Niagara University 1963
Business Management - University of Alaska 1966
Civil Engineering - US Army Engineers School 1967

EXPERIENCE 1984-Present

PRESIDENT - Environmental Technology, Inc.

Founder of ETI; responsible for overall director and supervision of the company.

1981-May 1984

EXECUTIVE VICE PRESIDENT - Envirosure Management Corporation Responsible for marketing and field operations on a nationwide basis; directed efforts of environmental consultants; prepared government bids and secured 4.3 million in government contracts in 1984; provided training and technical advice and assistance to field personnel, formulated and established new corporate policies and procedures; provided all engineering support and assistance at the corporate level; was responsible for hazardous waste activities and site restoration techniques.

1971-1981

PRESIDENT AND CEO - PEB Land Developments, Inc.

Responsible for the coordination and direction of this very diversified corporation; the operating divisions included Realty World, a residential real estate sales company; Florida Resort Properties, a New York based commercial and residential real estate marketing concern representing the Deltona Corporation and the Lehigh Corporation, both of Florida; Nashville Enterprises, a restaurant and motel complex; and a commercial construction company which operated under the name of the parent corporation.

1970-1972

VICE PRESIDENT - Bullock, Badame and Kirisitz, Inc.

Responsible for the management of the mortgage department employee training, corporate policy, marketing and advertising; organized the first successful real estate franchise operation in Western New York.

1968-1970

PRODUCT DEVELOPMENT ENGINEER - Litton

Industries (Hewitt Rubber Div.): responsibilities included the development of industrial hose products, market definition and development, preparation of technical bulletins and sales brochures, instruction at seminars and corporate schools, technical liaison with field sales force.

MANAGER, CONTRACTS ADMINISTRATOR

Responsibilities included the preparation and submission of proposals for both civilian and government procurement, administration of awarded contracts, development and adaptation of product specifications, coordination and liaison between the technical department, production department, quality assurance department and the procuring corporation or government agency.

1964-1968

CAPTAIN: US ARMY CORPS OF ENGINEERS

Deputy Post Engineer - Fort Wainwright, Alaska. Responsible for all phases of vertical and horizontal construction, facilities maintenance, property management (1500 residential units), procurement, fire protection and fire prevention, directly supervised a skilled labor force of 150 personnel.

Assistant Division Engineer - Americal Division, Republic of South Vietnam.
Responsible for coordination of engineer activities in I Corps area of operations.
Company Commander - D Company, 39th Combat Engineers. Constructed 70 km. of improved roads through the Que Son Valley during the 1968 TET offensive, constructed four timber bridges, two schools, a church and a community center; responsible for the construction of numerous fortifications and housing structures.

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KENNETH J. KULINOWSKI

EDUCATION

Eric County Technical Institute · Williamsville, NY 1962 - A.A.S. - Business Finance and Marketing

MILITARY

Veteran - U.S. Marine Corps. 1957-1960

EXPERIENCE

1985 - Present

VICE-PRESIDENT, SALES

Environmental Technology, Inc.

Responsible for all sales and special project coordination.

1978 - 1985

DISTRICT SALES MANAGER - Northeast

SCA Chemical Service, Inc.

Responsible for managing all sales effort in Northeast USA relating to hazardous waste disposal. Responsible for \$26,000,000 revenue budget.

FACILITY SALES MANAGER - Model City, NY

Responsible for managing sales effort in hazardous waste disposal activity for this major facility. Responsible for \$16,000,000 revenue budget.

SR. TECHNICAL SALES REPRESENTATIVE - Model City, NY Managed sales territories encompassing western Pennsylvania and most of New York. Major account activity and project revenues exceeded \$5,000,000 annually.

1977 - 1978

1973 - 1977

TECHNICAL SALES REPRESENTATIVE

Dubois Chemical, Cincinnati, Ohio

Responsible for sales, service and maintenance of territory involving specialty chemicals and solvents.

TECHNICAL SALES REPRESENTATIVE

National Chemsearch, Irving, Texas

Responsible for Buffalo, NY territory. Sales, service, maintenance and development of Buffalo market.

1967 - 1973

DISTRICT SALES MANAGER

Wine Merchants Ltd., Buffalo, NY

Held positions of Area Sales Manager, Operations Manager, and

Licensed Sales Representative during six year tenure.

DECLASSIFIED

STEVEN R. KAY

EDUCATION	A.S.B. Management - Potsdam State University of NY - 1969
	Hotel Management School - Miami Beach, FL
EXPERIENCE	
1985 - Present	VICE-PRESIDENT, SPECIAL SERVICES Environmental Technology, Inc. Responsible for all Field Operations nationwide.
1984 - 1985	REGIONAL MANAGER FOR PROJECT DEVELOPMENT Chemical Waste Management, ENRAC Division Responsible for all sales efforts regarding Field Services in the Northern Region.
1983 - 1984	NATIONAL SALES MANAGER SCA Chemical Services - Special Services Division Responsible for all sales efforts involving Field Services.
1982 - 1984	SENIOR TECHNICAL SALES REPRESENTATIVES SCA Chemical Services, Inc. Responsible for sales in Waste Disposal Services in Central and Northern New York, Eastern Ontario, and Quebec, Canada. Responsible for sales of Project Development for entire Northeast Region.
1981 - 1982	TECHNICAL SALES REPRESENTATIVE SCA Chemical Services, Inc. Responsible for sales of Waste Disposal Services in Central and Northern New York, Eastern Ontario and Quebec, Canada.
1980 - 1981	PRESIDENT Kay Pollution Services, Inc. Responsible for entire corporation activities.
1975 - 1979	VICE-PRESIDENT - SALES & MARKETING Sealand Restoration Inc. Responsible for oil spill cleanup, marine salvage, hazardous waste management and hazardous site remediation.

ENFORCEMENT SEMETTES

RONALD J. PROHASKA

Work Experience

1986-Present

ENVIRONMENTAL TECHNOLOGY, INC.

Manager of operations, responsible for pricing of projects, coordinating the scheduling of personnel, equipment, transportation and disposal.

March 1984-1986

CECOS ENVIRONMENTAL, INC.

Project Manager

Responsible for Buffalo, New York and Chicago, Illinois district office anf field operations to include the administration, accounting, project set up, safety, sales, contracts, proposal writing, warehouse operations, immediate supervisor to five (5) project supervisors and seventeen (17)

field chemical technicians.

May 1980-February 1984

CECOS INTERNATIONAL, INC.

Special Environmental Services Division - Project Supervisor Supervisor Emergency Response Team - responsible for implementation of emergency response capability for company. Designed response unit, ordering equipment, training of personnel in use of specialized equipment and response techniques, public relations and marketing of capabilities to service industry and other emergency agencies.

Project Supervisor - responsible for on-site project operations, supervision of personnel, site safety, insured company compliance with governmental regulatory agencies. project finance, equipment operations and maintenance.

May 1977-May 1980

U.S. Army - Honorable discharge 1980 - Rank SP4

EDUCATION

1984 1981

1980

1977

1975

Situational Leadership Course

J. T. Baker Seminar

Oil and Hazardous Materials Response School, Texas A & M

U.S. Army Aberdeen, MD - Chemical and Explosive Ordinance

School

Graduated second in class of 35

North Tonawanda Senior High School - graduate

JAMES L. MARGOLIN

Senior Project Manager · Environmental Technology, Inc.

EXPERIENCE

1973-1984

SCA CHEMICAL SERVICES, INC. · Lyndhurst, NJ

V.P., General Manager of Special Services Group

Responsible for Chemical Group revenues and profits associated with Special Service activity. Responsibilities involve planning, development and administration associated with the off-site remedial restoration. This group is presently actively engaged in major cleanups of lagoons, abandoned waste sites, PCB transformer decommission and exhumation of contaminated soil as well as buried hazardous waste barrels throughout the Midwest, New England and Mid-Atlantic Regions. This job also entails complete operational responsibilities as well as a high percentage of time committed to Corporated selling efforts.

V.P., and Northern Regional Manager

Responsibilities covered the revenues and profitability of the Newark, Braintree and Model City facilities. Responsibilities also included planning and performance of all operating functions and included sales, financial control, administration, customer service, capital equipment authorization, maintenance of all site equipment and employee relations.

V.P., Director of Operations

Responsible for all profit and loss for the entire Chemical operating group. This position required administrative efforts associated with all business functions.

V.P., General Manager, Newark Facility

Responsible for planning, directing, managing all operating functions of the Newark hazardous waste treatment facility. These administrative responsibilities included sales, marketing, finance, customer service, scheduling and employee relations.

1984-Present

Independent Consultation and Project Management for various contracting, engineering, and private industrial firms.



MICHAEL F. BRADY

EDUCATION

SUNY at Buffalo - Chemistry Major

Erie Community College - Liberal Arts Studies

EXPERIENCE

1/86 to Present

CHEMIST - Environmental Technology, Inc.

1984 - 1986

CHEMICAL LABORATORY TECHNICIAN - Recra Research Buffalo, New York

Primary report writer, laboratory waste manifestation, sample custodian. Performed qualitative and quantitative analysis for various companies, (Occidental Petroleum, Durez, DuPont, Xerox, etc.) Wet chemistry and environmental analysis.

TOMS RIVER, NJ

Mobile laboratory in-site analysis of extractions from a landfill at Ciba Geigy. Sampling and testing same for hazardous waste assessments and proper disposal.

HUNTSVILLE, AL

In-site sediment sampling, surveying and profiling contaminated Redstone Arsnal creeds and rivers, (Hudson Spring Branch and Indian Creek).

SOILS LAB TECHNICIAN

Utilizing consolidometer, sedigraph, unconfined repression, specific gravity, Atterburgs, Moisture Content, TVR and Grain Size.

Other jobs included surveying, profiling various NYS Superfunds for consulting, ordering Lab supplies, GC HP 5840 Repairs and Maintenance.

PROJECT EXPERIENCE

CIBA-GEIGY: Toms River, NJ

Clothier Site: Fulton, NY

GERALD BARYZA

EXPERIENCE

1985 - Present

OPERATIONS MANAGER

Environmental Technology, Inc.

Responsible for everyday coordination of Field Crews involving scheduling, arrangements for supplies, trucking and specialized equipment which each job requires. Interfaces with clients, regulatory personnel and disposal facilities to ensure smooth and efficient

completion of every job.

1983 - 1985

CREW CHIEF

Envirosure Management Corp.

Responsible for all on-site activities involving the removal of hazardous wastes (solids and liquids). Extensive experience throughout the United States manifesting, scheduling transportation and specialized equipment (i.e., cranes, lift trucks, etc.) as well as interfacing with client and regulatory personnel to satisfactorily complete work. Experience includes work for NYS E & G, Westvaco,

Globe-Albany and the U.S. Government.

1977 - 1985

MILLWRIGHT

Ferro Corporation

Extensive experience in Hydraulics, plumbing, structural work, fabrication, burning, welding, elevator repair, industrial conveyor repair, pump repair, hyster repair and preventative maintenance. Often performed all required maintenance on second and third shifts.

1971 - 1977

MILLWRIGHT

Ramco Steel Corporatio.n

Responsible for general maintenance, mechanical repair, carpentry, concrete, roll changing and overhead crane maintenance, including cable changes, rail and bearing changes.

ENFOR CEMEN

FREDERICK NILES

EDUCATION

A.S.B. NYS Agricultural Technical Institute - Canton, NY - 1953 NYS University at Albany, Math & Chemistry concentration, 1958-1960 Jefferson Community College - Watertown, NY. Business Management, 1969 Oswego BOCES - Oswego, NY. Accounting, 1979.

EXPERIENCE

1985 - Present

ENVIRONMENTAL TECHNOLOGY, INC. - North Tonawanda, NY

Responsible for the day-to-day operation of crews on large hazardous waste cleanup projects. Coordinates disposal and transportation of wastes as well as procuring equipment and supplies for specific projects. Ultimately responsible for training, health and safety and administrative functions on the job site.

1983 - 1985

LEO LEVITON CO., INC. - North Syracuse, NY

Sales Representative: responsible for designed and implementation of sales projects regarding chemical cleaning and janitorial supplies for industry.

1982 - 1983

SCA CHEMICAL SERVICES - Model City, NY

Security/Safety Officer: Initiated and maintained security protocol for hazardous waste facility and on-site industrial projects. Trained personnel in the proper handling of hazardous waste. Conducted training and fit tests for protective breathing apparatus and emergency medical procedures. Developed comprehensive evacuation and communication procedures with local fire, law enforcement, disaster organizations, and hospitals for rapid reporting, response and treatment in the event of a large scale Chemical Spill, explosion or emission of toxic vapors.

1976 - 1982

SEALAND RESTORATION - Division of Sealand Industrial Services Hannibal, NY

Manager, Operations: Responsible for emergency and remedial field operations and on oil and hazardous material cleanup projects. Performed negotiations with State, Federal and Local regulatory agencies to provide a cohesive cleanup effort in the field. Procured materials, supplies, as well as providing administrative payroll and billing documentation for assigned projects. Instructed personnel in Health and Safety procedures for handling hazardous waste.

TENT SENSITIVE

SUSAN C. ELIAH

EDUCATION

Business Major - Niagara County Community College - 1981 A.A.S. Medical Laboratory Technology - Eric County Comm. College 1977

CERTIFICATION Certified Medical Laboratory Technician by the American Society of Clinical Pathologists.

EXPERIENCE

1985 - Present

ENVIRONMENTAL CONSULTANT

Environmental Technology, Inc.

Responsible for overall guidance of regulatory compliance as it relates to customers and in-house personnel. Manage off-site personnel and supervise work performed. Other responsibilities include supervision of Environmental Technology, Inc. and subcontracted laboratory services, approval process for various wastes for disposal, and contributing to the preparation of major proposals and/or sales.

1978 - 1985

TECHNICAL REPRESENTATIVE

Chemical Waste Management, Inc.

Responsible for sales throughout Western New York and Central Pennsylvania, with all types of private industry with toxic or nuclear waste needing processing and disposal. Covered Eastern New York State and Montreal, Canada. Responsible for preparing major quotations and personally handled the largest account in the Northeast Sales District.

SALES TRAINEE

Worked with other sales representatives, gaining exposure to customer on a one-to-one basis. Conducted all site audits (inspections) made by present and potential customers. Had primary responsibility for training new sales representative in the waste acceptance process, and environmental compliance laws and regulations. Had additional responsibilities for Inside Sales, writing sales and marketing reports. and setting up guidelines currently in use for customer information packages and methodology.

CUSTOMER SERVICE REPRESENTATIVE

Provided inside sales support to six sales representatives and over 300 customers. Was the focal point of any on-site information; coordinated calls and customer requests; completed all appropriate paperwork. Acted as liaison between lab, sales, customers, chemical waste environmental groups, engineers and plant personnel.

OUALITY CONTROL TECHNICIAN

Started in the laboratory as one of six quality control people involved in reviewing the waste add-up, reviewing analysis of sample testing, PCB analytical testing, and environmental testing of the 850-acre site.

DONALD SEYMOUR

EXPERIENCE

1985 - Present

ENVIRONMENTAL CONSULTANT

Environmental Technology, Inc., N. Tonawanda, New York
Responsible for Project Design, bidding, and coordination assisting
client with a complete turn-key approach to any environmental problem.
Extensive interfacing with clients and field operations, personnel
ensuring constant communication on projects to coordinate the
successful completion of projects.

1983 - 1985

MANAGER WATER POLLUTION DIVISION

Rochester Drilling Co., Inc., Rochester, New York
Coordinated total turn-key operations for surface and subsurface
investigations and cleanups. Have worked closely with clients and
regulatory agencies to implement new cost reducing and environmentally
sound cleanup methods on projects. Performed cleanup work throughout
New York.

1982 - 1983

FIELD SUPERVISOR

New England Pollution Control Co., Batvia, New York
Responsible for the supervision and coordination of work crews on
emergency and remedial surface and subsurface spills. Performed
manifesting and scheduling of equipment and transportation on many
projects throughout New York State.

CUSTOMER REFERENCE LIST:

Allan Coombs, Manager McConnell Mfg. Co. Prattsburg, NY (906) 522-3701

Dallas Embling, Manager Cheoron USA Rochester, NY (716) 235-2180

John Brenessel, Engineer NYS DOT Region #4 Rochester, NY (716) 427-7750 Joseph T. Mileth, Engineer NYS DOT Region #8 Hornell, NY (607) 324-1900

Bruce Finster, Engineer NYS DEC Region #8 Avon, NY (716) 226-2466

Ms. Tina Smith, Env. Consultant Environmental Resources Management Westchester, PA (215) 696-9110

DECLASSIFIED

H. EUGENE HARRALL

EDUCATION

Brown University, Providence, Rhode Island. 1950-1953 Left to enter US Army

University of Denver, Denver, Colorado. B.S.B.A. Hotel and Restaurant Management (1959).

Two Dale Carnegie Management Courses between 1969 and 1972.

EXPERIENCE

1985 - Present

PROJECT ADMINISTRATOR

Environmental Technology, Inc.

Responsible for day to day adherence to project invoicing, payroll, regulatory compliance and all other project administrative functions.

1982 - 1985

STORE MANAGER, ASST. STORE MANAGER, and POSITIONS IN CORPORATE OFFICES

Lowe's Companies, Inc., North Wilksboro, North Carolina
Store Manager of stores located in Maryland, Indiana, and Pennsylvania.
Store managerial responsibilities included sales, sales training, advertising, personnel, inventory control, budgeting, expense control and evaluation and administration of customer credit. Corporate responsibilities included administration of retail sales policies, liaison between sales and purchasing, new store construction, and establishment of a New Produce Review Committee.

MAJOR PROJECTS

9/84 - 12/84 International Business Machines Corporation, Poughkeepsie, New York. Supervised project to its conclusion.

6/84 - 12/84 Kingston Steel Drum Project, Kingston, New Hampshire. Supervised from inception to conclusion.

1/84 - 5/84 Pitt Control, Newark, New Jersey.

This project has been in progress for five months with little organized administration. Initiated appropriate policies and procedures, and saw project to its conclusion.

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RANDALL TARBELL II

EDUCATION Colgate University

B.S. Business Management

MILITARY None

EXPERIENCE

1986 ENVIRONMENTAL CONSULTANT

Environmental Technology, Inc.

Specializing in Asbestos Abatement Projects

1978 - 1986 CONSTRUCTION SPECIALIST

Sullivan Sales, Inc. - Buffalo, New York

Responsible for design, sales, and installation of commercial windows.

1972 - 1978 NATIONAL SALES MANAGER

Leigh Systems, Inc.

Responsible for distribution of Avionics Instrumentation.

1968 - 1972 ELECTRO MECHANICAL DESIGN ENGINEER

Leigh Systems, Inc.

MISCELLANEOUS

Asbestos Abatement Training Program

Certified Supervisor

White Lung Association of New Jersey

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2.0 SCOPE OF WORK

The overall scope of work at the Rose Chemical Site on Holden, Missouri, simply stated, is to bring the facility back into compliance by removing and properly disposing of out of date PCB contaminated waste materials which have previously been shipped to Rose Chemical by generators and transporters from all over the country.

The bulk of the waste is out of date PCB electrical equipment in various phases of processing, i.e., Transformer draining/flushing, Capacitor coring, etc. The waste is haphazardly scattered throughout several warehouses with a combined square footage of over 200,000 feet. There are tanks of oil, drums of oil, capacitor cores, debris and other miscellaneous items. Transformers, boxes of waste, etc. All of this material requires identification, possible processing, staging, shipment and disposal.

Prior to the startup of any removal certain areas of the facility must be upgraded to meet certain Health & Safety and SPCC regulations.

2.1 PROJECT ORGANIZATION

the project management team will be headed up by the corporate management group of ETI, each of whom has a great deal of experience in his particular area of involvement. Project Management is broken down into two distinct categories, those being, on-site and off-site. On-site management refers to the local Project Manager assigned to the project, while off-site management refers to the corporate support provided by the Corporate Management Staff.

- 2.1.1 Off-site Project Management at the Rose Chemical Site will be under the supervision of the following:
- 2.1.1.1 Philip E. Badame, President of ETI, will oversee all generator liaison and negotiations, including financial, contractural, and insurance affairs.
- 2.1.1.2 Kenneth J. Kulinowski, Vice President of ETI, will oversee all disposal operations and transport activities, including pricing, contracts, capacities, etc. The complexity of disposal needs at the Rose Chemical Site requires the full time attention of a dedicated professional capable of understanding such a situation and responding in kind.
- 2.1.2 On-Site Project Management at the Rose Chemical Site will be under the supervision of the following:
- 2.1.2.1 Steven R. Kay, Vice President of ETI Special Services will provide General Project Management of the Rose Chemical Remediation Project. With 12 years of handson experience in site remediation, including such projects as the NEPCO 140 Oil Spill, in 1976 The Pollution Abatement Services Site in Oswego, NY, and the Love Canal Remedial Project in Niagara Falls, NY, Mr. Kay will be assisted by the following:
- 2.1.2.2 Administrative Manager Donald Seymour
- 2.1.2.3 Operations Manager Gerald Baryza
- 2.1.2.4 Laboratory Manager Michael Brady
- 2.1.2.5 J Health & Safety Manager Frederick Niles

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2.2 APPROACH

ETI has devised a four phased approach to the Rose Chemical Remedial Project which is discussed in greater detail in section 3.0 titled Technical Approach, the following will outline this four phased approach:

2.2.1 Inventory

A multi-faceted, all encompassing inventory will be undertaken to determine exactly what materials are at the site and who they belong to.

2.2.2 Removal - Identifiable Generators Waste

All materials which can be identified and traced to a specific generator will be processed (if necessary), removed and disposed of.

2.2.3 Removal - Unidentifiable Waste & Residue

All unidentifiable waste, residual waste, processing byproducts, spill cleanup debris, etc., will be removed under this phase for disposal at the proper predesignated TSDF.

2.2.4 Building Decontamination

This phase includes the removal of insulation from ceilings, residues from walls and any contamination which may have permeated the concrete flooring.

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3.0 TECHNICAL APPROACH

As outlined in the Scope of Work, the remedial approach to this project is broken down into 4 phases, as follows:

Several areas of concern which must be addressed:

- 1. One emergent area is that of the storage tanks outside the building and the discharge berms which must be upgraded. The two loading bays presently existing will be bermed off and lined to be used as decontamination pads as well as loading bays with a spill catch basin, etc. The present berm area will be scraped clean then poly lined with a center drain and a protective layer of gravel.
- 2. The personal decontamination chamber and clean room will be completed to meet the needs of personnel entering and leaving the site.

3.1 Phase I

Phase I includes the inventory, identification, segregation, and characterization of wastes present at the Rose Chemical Site. There are several reasons for undertaking such an in depth inventory. The information gathered during this phase will be used throughout the balance of the remedial project to determine a fair and equitable breakdown of costs, not only for removal of a given generators identifiable material, but also the handling and removal of residual or unidentifiable wastes, as well as the final building decontamination.

Phase I will be undertaken by ETI in a multi faceted manner in order to cross reference and verify findings, as well as to create a set of checks and balances that will lend credence to the final report which will be used to apportion costs and provide backup documentation for disposal. This multi faceted approach is necessary due to the haphazard storage of materials throughout the warehouse.

3.1.1 Paper Search

ETI, under its Management Agreement with Rose Chemical, has been granted free and easy access to the manifest records of Rose Chemical. This manifest information, together with other internal documents will shed a great deal of light on what was received, from whom, where it went, and when. All of this information will be documented on an on-site computer for future cross reference with information gathered during the physical inventory.

To date, approximately 200 generators representing some 600 manifested loads have been documented. Those generators are presently being contacted by ETI for comment. As new generators are located or discovered they will be added to the list and notified either by mail, phone, or personally by ETI.

The information gathered during this phase will provide the basis upon which a fair and equitable determination can be made with regard to each participants financial liability for costs incurred to properly inventory the waste materials at the Rose Chemical Site.



3.1.2 Physical Inventory

Drums, boxes (both steel, and wood), and bags of capacitor cores and casings, transformer carcasses, drums of oil, intact capacitors and other miscellaneous wastes literally fill the entire warehouse from wall to wall and floor to ceiling. Thus, a physical inventory, although difficult, is necessary in order to properly determine the overall inventory present at the site. The physical inventory will address every item in the warehouse. All data gained during this inventory will also be entered into an on-site computer and the data compared with that of the paper search inventory. Again, any generators not surfacing in the paper search will be added to the list and contacted by ETI.

ETI intends to carry the physical inventory one step further and actually segregate and stage the identifiable material in such a matter as to be able to begin making shipments of waste materials to the designated TSDF's as soon as financial arrangements are complete.

3.1.3 Analytical Inventory

Once material has been properly identified and staged, each item will be opened and sampled following the proper protocols for such activity. Physical integrity of each container shall be noted, and the physical appearance of the waste shall also be noted. A chain of custody form shall be started and samples sent to the lab for analysis as outlined in section 4 of this proposal.

This phase of the inventory will confirm that the material shipped was in fact the material that was to have been shipped to Rose Chemical under the original contract. Any deviations resulting in an added cost of disposal will be passed on to the generator in question.

This plan is also necessary to meet the analytical requirements of the disposal facilities as outlined in section 3.6 of this proposal entitled Disposal Operations.

3.2 Phase 2 - Removal of Identifiable Wastes

Upon completion of the Inventory phase, all generator identifiable waste will have been located, identified, segregated, staged, sampled, and characterized. It will then be possible to advise each generator as to the cost of removal, transportation and disposal of this waste materials from the Rose Chemical Site, including any processing charges necessary to prepare the material for shipment, i.e. capacitor coring or transformer flushing.

3.2.1 Transformers

Transformers not requiring flushing will be shipped out immediately, those requiring flushing will be the next area to be addressed. This will open up approximately one third of the warehouse floor space.

3.2.2 Metal Fabrication Equipment

Metal Fabrication Equipment presently at the site will be decontaminated and removed by American Steel Corp. at no expense to the generators. This equipment is still the property of the present owner.

3.2.3 Capacitor Cores

Capacitor cores requiring repacking for transportation and disposal will be recontainerized and transported to the proper TSDF for disposal.

3.2.4 Intact Capacitors

Intact capacitors will be cored and separated, cores will be packaged for disposal, oils will be shipped either for disposal or reclamation, and the casings for either scrap or disposal.

3.2.5 Miscellaneous and Debris

Miscellaneous and debris will be repackaged if necessary and shipped for disposal.

3.2.6 Tanks

Water will be removed from the bottom of tanks, tanks will then be agitated prior to sampling and analysis. Oil will then be pumped out and shipped either for disposal or reclamation depending on analysis.

3.2.7 Oil in Drums

Oil in drums will be analyzed for compatibility. Compatible drums will be bulked for shipment either to a disposal facility or for reclamation depending on analysis.

3.2.8 Empty Drums

Empty drums will be crushed on-site and shipped for disposal in bulk.

NOTE: All disposal will be in accordance with section 3.6 of this proposal entitled "Disposal Operations".

3.3 Phase 3 - Removal of Residual Waste

Upon completion of removal of identifiable generator waste, a large volume of waste materials will remain, these are generally waste products from Transformer and Capacitor processing which took place at Rose Chemical. Also included are spill cleanup materials and debris which has built up over years of operation, and capacitor cores, and miscellaneous oils which are unidentifiable, and therefore not traceable to a specific generator.

Each generators percentage of the total of materials shipped during phase 2 will determine his percentage of liability under phase 3 and 4.

The actual operation under phase 3 will not vary from that of phase 2 except that Rose Chemical will be the generator of record.

Actual volume of waste present will have been established under phase 1 therefore cost will be a matter of calculating the known volumes by the current pricing at the varying TSDF(s.)

Phase 4

3.4 Surficial Cleaning

Surficial cleaning will take place in a multi-phased manner that will cause contaminants to be removed from the surface prior to the employment of any cleaning techniques or methodology that could possibly drive the contaminants deeper into the concrete. The following is a cost efficient and expeditious approach to the removal of PCB contaminants as well as paints and other grit and dirt buildups present not only on the floors but also on the pillars, walls, ceilings, and other surficial areas in varying levels.

3.4.1 Concrete Removal

Visually contaminated concrete will be removed utilizing a concrete scarifier in 1/2" lifts. This will be accomplished under "wet" conditions in an effort to minimize any airborne cross contamination or recontamination of surficial areas already cleaned, or not previously contaminated. On all floors known areas of concrete removal will be outlined and addressed prior to undertaking of any surficial decontamination as outlined below.

3.4.2 Bat Insulation Removal

All fiberglass bat insulation will be removed by hand and packaged for disposal.

3.4.3 Step 1

All surficial areas will be swept and/or vacuumed clean so as to be free of any foreign particulate that might impede the cleaning process.

3.4.4 Step 2

All surfaces will be coated with a form containing a solvent based detergent. The foam will keep the cleaner in constant contact with the surface area, while the solvent based cleaner will dissolve and lift the organic film consisting of oils, soots, etc., to which PCB's normally eclude themselves. Surfaces will then be washed down with hot (180°F) water at high pressure (1500 psi).

3.4.5 Step-3

A second coat of foam will be applied, this time containing a caustic detergent. The foam will keep the cleaner in contact with the surface while the caustic removes any paint or organic film left behind by the solvent based foam cleaner.

3.4.6 Step 4

The final phase of decontamination will be accomplished with a high pressure (10,000 psi) water blaster with grit or sand.

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3.4.7 High Pressure Water Cleaning

Concrete may be cleaned by directing a concentrated stream of high pressure water at the surfaces. This removes dust, loose particulates, and various chemical contaminants including oils and grease. This process has proven effective in terms of removing residual levels of oils and grease. Its applicability to these facilities is expected to be reliable and operationally efficient.

The equipment consists of a water reservoir that feeds to a positive displacement pump which delivers the water through a nozzle a high pressures. The equipment delivers a water spray at pressures of 10,000 to 14,000 psi. Pressure is adjustable to allow for variations in the surface type being cleaned. The water which is used for cleaning is collected by vacuuming or directed toward sumps.

Prior to use of the high pressure water cleaning, the surface will be foam cleaned with a surfactant, followed by caustic to aid in removal of chemical contaminants such as oils from the porous concrete surfaces. The surfactant serves to emulsify the oil and facilitate its removal during cleaning. This procedure is commonly used in industry and it has a proven record of success. The cleaning mechanism, alone, will be effective in terms of removing visual contamination, dust and loose particulate, thus minimizing future routes of PCB exposure.

The water generated during cleaning is about 22 gallons per minute.

3.4.8 The Interaction of PCB with Concrete Floors

PCB have come in contact with these structures as a result of direct spills and drips, tracking of PCB from spill and drip areas throughout the building, condensation of PCB aerosols and migration and settling of PCB contaminated dust.

In the case of spills and drips, PCB would have moved into the porous concrete by means of liquid flow and capillary action which would spread the PCB through the concrete until the reservoirs of PCB on the surface and in the larger voids in the concrete were exhausted.

The cleanup plan calls for selective removal of concrete contamination by spills and drips. These areas are identified on the basis of location (such as in the transformer room and by inspection of the floor for oil stains. Since these areas will be removed, release of PCB from these areas after the cleanup need not be considered.

The remainder of the contaminated plant surfaces have become contaminated by tracking, aerosols, dusts and/or vapors. The mechanisms have left PCB on the surfaces and in near-surface capillaries as a thin film, discrete microproplets or absorbed to dust particles deposited on the surfaces. Movement of PCB into the interior of these structures, then, would have been by diffusion alone since liquid flow and capillary action require significant continuous liquid phases, which would not be present on these surfaces. Diffusion, in this situation, is dependent on the vapor pressure of the PCB, which for Aroclor 1242/1254 is about 10 mm Hg at 20°C, making it quite a slow process. It is reasonable to expect, then, that much of the contamination of these secondarily contaminated areas will have remained on or near the surface and will be removed by the cleaning program proposed.

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3.4.9 Tank Cleaning and Disposal

Indoor tanks will be triple rinsed then final cleaned with a butterworth system using a caustic wash.

Outside tanks will be butterworthed using caustic wash, then dismantled for disposal.

3.4.10 Wash Water Treatment System

It is anticipated that 200,000 gals. of wash water will be created during the decontamination phases of the project. The contamination level of in the washwater is only expected to reach levels of less than 10 ppm.

Given the above, a waste water treatment system has been incorporated in the project proposal for the decontamination of the Rose Chemical facility. The system is made up of 2 receiving tanks, each with a 6000 gallon capacity. Each will be filled with wash water from decontamination procedures or from standing water in the building and/or tanks. Water will be tested according to the QA/QC plan outlined in this proposal to determine levels of contamination prior to being pumped through the pretreatment system which consists of 2 multi-media filtration units and a minimum of 6 activated carbon absorption columns, then into one of three holding tanks for QA/QC testing before being discharged into Holden Sewage System for final treatment.

All discharges will be in 5000-6000 gal. batches after test analysis conclude that PCB effluent discharge parameters have been met, and such analytical results have been logged in the discharge log book indicating the gallonage to be discharged and the PCB level.

If the treated water does not meet discharge parameters it will require treatment and possibly the addition of additional carbon columns until the necessary parameters are successfully met or a determination is made to ship the effluent off-site as discussed in the Disposal section of this proposal.

3.5 Transportation Operations

Because transportation of hazardous waste represents the greatest liability exposure to the owner of the waste it is essential to ensure that all areas of transportation operations are managed and controlled by experienced, knowledgeable, and qualified personnel from a management, administrative, coordinative, and operational perspective.

Tri-State Motor Transport will dedicate the necessary personnel and equipment to properly handle all transportation needs of this project.

3.5.1 The Transportation Phase

The transportation phase of the Rose Chemical Facility is the portion of the project that presents the greatest potential for exposure of the contaminated wastes to the public outside the immediate project area. Off-site transportation activities are extremely critical to efficient project implementation. The key elements of ETI's transportation program include but are not limited to:

- Utilization of DOT, EP and State licensed and approved vehicles.

A cooperative on-going realining program including familiarization with all relevant aspects of the Rose Chemical site transportation activities and requirements.

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- Designation by ETI of a Transportation Supervisor whose responsibility will be to assure that vehicles are scheduled according to the operational requirements of the project.
- Development of an approved routing plan to be strictly adhered to by all transportation vehicles delivering wastes to the designated disposal facility. Alternate routings shall be provided in the unforeseen event that primary routes are unavailable due to closures, inclement weather conditions, etc.
- Sequencing of transportation activities such that vehicles leaving the Rose Chemical site will arrive at the disposal facilities on a schedule basis thus alleviating unnecessary demhurrage charges.
- Notification of state and local traffic authorities to the increased level of waste transportation activities in their respective geographical areas during the on-going remedial actions at the Rose Chemical site.
- Utilization of weigh scales to assure compliance with state weight regulations. Certified scales are available at disposal facilities.
- Inspection of each load prior to departure from the Rose Chemical site to assure that the necessary shipping documents are complete and accurate, the required lining of bulk solids trailers is in accordance with specified procedures, and that decontamination has been properly performed.

3.5.2 Scheduling

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Administration of the transportation program is the responsibility of the ETI -Transportation Manager. He is responsible for maintaining all paperwork associated with off-site transportation, including manifest preparation, internal billing, and updating of the transportation log. The Transportation Manager will schedule the required number of trucks for each days loading activities. Trucks will be dispatched on an as needed basis to minimize congestion in and around the Rose Chemical site.

3.5.3Documentation

During peak activities, trucks will be leaving the Rose Chemical site at the rate of 2 to 3 per hour. The manifesting process, therefore, must be handled as efficiently as possible to avoid delays. The system must, however, accurately document the movements of each load of waste until final disposal has been accomplished at the designated, ultimate disposal facility. Regulations specify the required recordkeeping and reporting procedures.

Manifests must be maintained by the generator for 3 years from the date waste materials are shipped from the site. A complete manifest system will be developed to assure compliance with all requirements of RCRA, TOSCA, Federal and State Regulatory Agencies.

3.5.4 Transportation Contingencies

Transportation Operations fall into two distinct categories: on-site and over-theroad. Over-the-road operations are controlled by approved emergency procedures, standard operating procedures, and spill control plans. EPA and DOT have, by regulation, established procedures to deal with accidents and incidents involving the transportation of hazardous wastes which include spill containment, notification, clean-up, and emergency medical procedures. Each drive will be furnished a set of procedures, in the event of an incident, EPA, DOT, and the Respective State require notification. In addition, the driver will be required to notify the ETI Project Manager, a 24 hour number will be provided for this purpose.

3.6 Disposal Operations

Ultimate disposal of waste materials present at the Rose Chemical Site is of primary importance in any effort to bring the facility back into compliance. It is a major concern to both the Regulatory Agencies and Generator involved. In that regard, ETI has developed the following list of proposed disposal facilities to manage the ultimate disposition of said wastes.

ETI has negotiated National Brokers Agreements with all of the following, and have letters of intent from most for the Rose Chemical Project.

3.6.1 Bagged Capacitor Cores:

3.6.1.1 SCA Chemical Services, Division of CWM
Chicago, Illinois EPA ID# IL000672121
(An EPA Regional V TSCA-approved incinerator for destruction of PCB)

3.6.2 Transformer Carcasses:

- 3.6.2.1 US Ecology
 Beatty, Nevada EPA ID# NVT330010000
 (An EPA Region IX TSC-approved secure landfill for disposal of PCB solids)
- 3.6.2.2 Chemical Waste Management

 Emelle, Alabama EPA ID# ALD000622464

 (An EPA Region IV TSCA-approved secure landfill for disposal of PCB solids)

3.6.3 Capacitors:

3.6.3.1 ENSCO (Energy Systems Co)

El Dorado, Arkansas:

EPA ID # ARD069748192 EPA ID # A1D000772301

(An EPA Region VI TSCA-approved shredding operation and incinerator for destruction of PCB)

3.6.3.2 P.C.B. Inc.

Kansas City, Missouri

EPA ID # MOD980633044

EPA ID # KSD980963565

(An EPA Region VII TSCA-approved capacitor dismantling operation for PCB units)

3.6.4 PCB Debris (Solids)

- 3.6.4.1 US Ecology
 Beatty, Nevada EPA ID # NYT330010000
 (An EPA Region IX TSCA-approved secure landfill for Disposal of PCB debris (solids)
- 3.6.4.2 Chemical Waste Management

 Emelle, Alabama EPA ID # ALD000622464

 (An EPA Region IV TSCA-approved secure landfill for disposal of PCB debris
 (solids).

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3.6.5 PCB Oils and Flushes

3.6.5.1 SCA Chemical Services, Division of CWM
Chicago, Illinois EPA ID# IL000672121
(An EPA Region V TSCA-approved incinerator for destruction of PCB liquids)

ENSCO (Energy Systems Company)

El Dorado, Arkansas EPA ID * ARD069748192

EPA ID # A1D000772301

(An EPA Region VI TSCA-approved incinerator for destruction of PCB liquids <10,000 ppm PCB)

3.6.6 PCB Treatment

3.6.6.1 PCB Disposal Systems, Inc.
(Chem Decon System) EPA ID # MOD980962849
Kingsville, Missouri
(PCB Disposal systems is a EPA Region VII Transfer facility-Chem Decon, Birdsboro, Pennsylvania, has an EPA National permit to chemically detoxify low level ((<10,000 ppm)) PCB mineral oil)

P.C.B. Inc.

Kansas City, Missouri EPA ID # MOD980633044

EPA ID # KSD980963565

(An EPA Permitted facility to Chemically detoxify low level ((<10,000 ppm)) PCB mineral oil)

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4.0 QUALITY CONTROL/QUALITY ASSURANCE PLAN

Scope of Services

Environmental Technology, Inc. will provide on-site services during all phases of remediation at the Rose Chemical Site, to include the collection of oil, water and solid samples of the facility and the determination of the concentration of PCBs in these samples. All samples will be taken following U.S. EPA guidelines and under strict chain of custody. All sampling locations will be documented in field logs. An on-site laboratory will be utilized for the analysis of these samples. By use of the on-site laboratory it is estimated that a maximum of 48 hours turnaround will be provided. On selected samples an 8 hour turnaround may be achieved.

All sampling activities, chain of custody, quality control and quality assurance and analytical results will be properly documented. A final report summarizing these procedures and the results of the project will be provided within 30 days of the completion of on-site services.

Priority Pollutant Analyses and any additional analyses requested by the contractor will be provided through Environmental Technology's analytical laboratories in N. Tonowanda, New York.

4.1 Liquid Samples

Liquid samples including, but not limited to, oils, hydraulic fluids, solvents, transformer oils, flush materials, residual water, and wash waters found or generated during the remedial operations will be collected as required by the project team. Samples will be collected from containers in accordance with the protocols specified in "Test Methods for Evaluating Solid Waste Physical/Chemical Methods"; U.S. EPA SW-648, 2nd Edition, July, 1982 where applicable. Samples will be collected in clean, glass bottles and sealed with screw caps with Teflon liners.

Each container will be labelled with a pre-numbered chain-of-custody tag (Figure 1). The tag number, description of sample location, date/time of sampling, and sampler's initials will be recorded in a bound field notebook.

The liquid samples will be analyzed for PCB using a gas chromatograph. PCB concentrations will be reported in units of ug/g for oils, greases, solvents, etc., and in units of ug/l for aqueous samples.

4.2 Wipe Samples

As remedial action at the facility proceeds, ETI personnel will collect wipe samples from items that have been cleaned in accordance with this plan. The wipe samples will be collected according to the methods described in this plan. The wipe samples will be collected in the vicinity of the previous sampling points, when applicable, for comparison purposes, under the direction of the project manager. The actual number of wipe samples collected will be dependent upon the number of surface, size of equipment, and its function. This also will be determined by the on-site project manager.

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4.2.1 Procedure

A surface requiring sampling as determined by the project manager, will be identified and the description entered into a bound field notebook with the sampler's initials, date and time of sampling, and sample number.

A 100 cm² area of surface is marked off and wiped by a field technician wearing latex gloves using a cotton pad pre-wetted with about 5 ml of pesticide-grade hexane. The sample area is wiped in one direction and is then wiped in the transverse direction to collect the sample. The sample is then placed into a clean glass jar having a screw cap with a Teflon liner. The container is sealed and labelled with a prenumbered chain-of-custody tag. The tag number corresponds to the sample number and location entered previously into a bound field notebook. The entire pad is then analyzed for PCB according to U.S. EPA methods. "Blank" cotton pads are also analyzed to determine if any interfering constituents are present in the collection media.

The analysis will be performed on-site using gas chromatograph. The concentration of PCB's will be reported in units of ug/100 cm².

All gloves and other waste generated during the sampling activities will be containerized and disposed of in accordance with all applicable regulations.

4.3 Solid Samples (concrete, metal, wood, debris, etc.)

Sampling points within the facility will be established in conjunction with the owners representative and the decontamination contractor. Recommendation on the number and location of sampling points will be provided based upon U.S. EPA guidelines.

The precise location and depth of each sample will be noted in the field logs. Actual samples will be taken utilizing a hammer and chisel or alternate device as appropriate. The samples will be placed in pre-labelled jars and chain of custody initiated.

The samples will be analyzed in the on-site laboratory utilizing the U.S. EPA approved methodologies referenced in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", SW-846, 2nd Edition, July, 1982. Quality Control, Quality Assurance procedures are outlined in the attachment to this section.

4.4 Documentation

All aspects of the project will be documented. The documentation will consist of the following:

- Project logbooks
- Analytical test results
- Quality Control data
- O Chain-of-custody sheets (fanany samples sent for off-site analyses)
- Final report

4.5 Quality Control/Quality Assurance Plan

ETI's Quality Control/Quality Assurance Plan for this project is presented in the Appendix to this section and follows immediately.

4.6 Organization and Responsibilities

Both management and staff understand their responsibility to maintain an effective QA/QC program. Personnel work together to monitor all QA/QC activities and assure that these activities are performed according to authorized policies and procedures. Standard operating procedures practiced by the staff to achieve this goal include but are not necessarily limited to the following:

- a.) Logging of complete sample information, chain of custody and introducing control samples into the sample workload.
- b.) Daily monitoring and documentation of all ancillary equipment involved in the generation of analytical data.
- c.) Daily monitoring and documentation of proper performance of all analytical instruments.
- d.) Assuring that subsampling and other handling procedures are suitable to the types of samples received.
- e.) Preparing and evaluating results of inter- and intralaboratory sample analysis.
- f.) Supervising the quality of laboratory supplies to assure that materials, reagents, and chemicals do not jeopardize the reliability of analytical results.
- g.) Assuring that all test and measurement equipment is properly calibrated.
- h.) Preparing QA/QC samples, standard solutions, and performing related calculations.
- i.) Insuring consistent quality in that all sample containers are cleaned utilizing defined washing procedures.
- j.) Individual job numbers are assigned to groups of samples to eliminate the possibility of sample mixing.
- k.) All samples are received and logged by the sample custodian to minimize the potential for errors during this initial activity.
- 1.) Quality of solvents, gases and water are continually monitored for high purity.
- m.) Standard glassware washing protocol is established and followed in order to provide consistently clean labware for analyses.
- n.) Glassware sets are numbered so that any suspected contamination problem can be traced.

Details of specific QA/QC activities and procedures follow, but as a general overview, it is the responsibility of each individual analyst to perform the specified number of quality control analyses on a given set of samples. The proper

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number of replications, spikes and blanks has been mandated by the laboratory manager and is not left to the analysts' discretion. In addition to performing the proper amount of quality control, the analyst is responsible for the initial review and assessment of the data generated. If data is outside of warning limits or out of control, the source of the problem will be identified with the appropriate supervisor. Supervisors are responsible for all data generated and all data in the analytical report must be signed by the appropriate supervisor.

All analytical reports are written by the supervisor and thoroughly reviewed before final submission to the project manager. All analytical reports (including all quality control data) are personally reviewed and subsequently signed and issued by the project manager. More specific details on how data quality is reviewed, assessed and either approved or rejected is presented in latter sections of this document.

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APPENDIX

QUALITY ASSURANCE AND QUALITY CONTROL PLAN

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1.0 INTRODUCTION

1.1 Project Description

Environmental Technology, Incorporated has, as its charter, the responsibility to its clients to provide the highest quality analytical data available. ETI appreciates the fact that significant decisions and consequences result from the data supplied. The following information is being presented as a quality control/quality assurance document prepared for the remedial activities to be performed.

This document has been prepared to illustrate the quality control/quality assurance program in effect at Environmental Technology, Inc. in order to assure that the date generated will be of consistent high quality.

1.2 Document Format

This document has been prepared in a form consistent with the "Interim Guidelines and Specifications for Preparing Quality Assurance Project Plans".

The following format outlines how pertinent information will be presented in the following sections along with a brief description of information contained in each topic area. The major subject matter of the following sections provides the detail through which ETI will ensure "Project Quality Assurance Management". The following subsections illustrate procedures internally applied to date acquisition and reporting.

Individual analysts, under the direction of the supervisors, are responsible for the performance of instrument calibration, and sample analysis along with the performance of associated quality control analyses, e.g. blanks, spikes, duplicates, etc. all data are entered into individual bound laboratory notebooks specific to instruments and analyses.

Supervisors are responsible for the completion of analyses as directed by the project manager. Supervisors are charged with maintaining instrumentation in proper operating order according to manufacturers' specifications. Scheduling of routine servicing as well as reacting to out-of-control instrument problems are duties of the supervisors. They are also the initial reviewers of the analytical data and accompanying quality control information. Following their review, and acceptance of the data, supervisors prepare reports for submission to the project manager.

The project manager is responsible for the final review of all analytical data and resolution of any and all suspect data.

2.2 OA Objectives

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The quality assurance objectives regarding ETI's efforts in the project are described in terms of accuracy, precision, completeness, representativeness and comparability.

Comparability of data sets is a function of numerous variables, including laboratory errors and bias, the representativeness of the samples and the inherent population variances between the samples.

In terms of the degree of representativeness, the field sampling activities can generally be seen to account for >80% of the variance within data sets. The remaining 20% or less of the noted variance in the data is attributable to both systematic and non-systematic laboratory error.

2.3 Laboratory Chain of Custody

ETI's chain of custody procedures are based upon the NEIC policies and procedures (EPA-330/9-78-001-R).

All chain of custody sheets are signed and retained in our file for future reference. An example of a chain of custody form is presented in Figure A.

Once the sample has been entered into the central sample log the sample technician correlates the particular samples with the requested tests to be performed. An Analytical Services Request Form is used to describe analyses required on particular samples. Each set of samples is given an individual job number to facilitate tracking of samples through the laboratory and provides for readily available job status.

After initial logging and processing (if and as required), all samples are stored by job number in a large refrigerator held at 4°C until such time as analysis is begun. This system, in addition to the access restrictions implied as company policy, restrict entry to the laboratory to authorized personnel only.

At the time of sample analysis, in accordance with the production schedules prepared by the laboratory supervisors and approved by the project manager, analysts remove the samples from the walk-in cooler and log all sample identification information. _ As processing continues, all required methods data is recorded and stored for future reference as well as for archival purposes.

Prepared samples (extracts, digested samples, etc.) are re-coded and stored until instrumental analysis, at which time separate bound logs are again employed to preserve all additional information and data.

2.4 Data Reduction, Validation and Reporting

Each major measurement parameter/system has specific means employed for data reduction, validation and internal/external reporting which are somewhat different but follow the same general scheme.

Generally, for any and all measurement systems at Rose Chemical, the following chronological steps are adhered to:

- o sample receipt;
- o sample logging, inventory, chain-of-custody;
- sample splitting and preservation (if and/or required);
- o sample storage;
- o sample preparation (extraction and/or digestion);
- o sample analysis (standard, QC and samples);
- o data calculation;
- data reporting (internal);
- data review/QC logging;
- re-analysis (if and when required) and assessment;
- o report preparation;

reparation;

o report review/final QC review;

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o report issuance/central file maintenance;

o sample archival and/or disposal.

2.5.1 Gas Chromatography (including separations laboratory)

The sample processing begins in the separations laboratory where a bound notebook is maintained for the purpose of recording all pertinent information regarding the extraction and clean-up (if required) for the samples. This logbook contains the following data:

- o analyst
- extraction data
- 0 job #
- o sample I.D.
- o extracted volume or weight of sample
- o final concentration volume
- o vial # (for extracts produced)
- o analysis type (BN, AP, Pest.)
- O glassware set

The above information is required for GC analyses. The addition of "glassware set" has proved most useful in ETI's experience. Within a laboratory such as Rose Chemical, which is involved in the analysis of waste samples or contaminated aqueous samples, the glassware information allows for identification of one specific area in which potential quality control problems may be found.

After samples have been prepared for analysis by the separations analyst the GC - analyst uses a series of logs and reporting forms to maintain the necessary data. The first is the bound injection log which contains the following:

- o analyst
- o injection data
- o job #
- o sample I.D./vial #
- o volume injected
- o instrument run number
- method number (specific column and instrument conditions for the particular analyses)
- O detector used

On the day that specific analyses are performed, a minimum 3 point standard curve is generated via both computer assisted raw data plotting and regression analyses, using the areas as integrated by the gas chromatograph. The integrations and the standard curves are reviewed by the analyst for consistency and accuracy, and if found acceptable (and approved by the supervisor) the sample concentrations are calculated. Information/data required for these calculations are acquired from both the separations and the injection logbooks. All chromatographs, standards information, QA/QC results, copies of separations and injection logbooks pages and other project specific information is permanently maintained by job # and client in separate files.

All resultant data at the time of final report preparation is transcribed onto the final report form for data and QC review by the laboratory operations manager prior to issuance of the report.

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2.5.2 Reporting of Results

Each day that samples are received at the laboratory, a separate job number is assigned for a given batch of samples. If more than one matrix arrives, the matrices are separated and individual job numbers are assigned. For instance, if water samples and soil samples are received on a given day, two (2) individual job numbers will be assigned. Each report that is generated refers to one job number and its corresponding set of samples.

Each report will have a cover letter indicating the report date and the date samples were received. The job number is prominently displayed on the cover letter to facilitate communication should any questions arise. The report will contain data for all parameters requested as well as all applicable QC information.

All quality control data generated on the particular batch of samples will be reported as a part of ETI's submission with the data. Percent coefficients of variation will be given as well as spike recoveries. Known values of standard reference materials will also be presented along with values determined by the laboratory.

2.6 Internal Quality Control

2.6.1 General Control Measures

When discussing a quality assurance/quality control program, it is generally accepted that there are two distinct aspects of the program. Quality assurance, deals with general protocol or actions which are routinely employed to assure that consistent quality is maintained by the laboratory. Examples of items in a quality assurance program are the use of reagent grade chemicals, pesticide grade solvents, specific glassware washing techniques, etc. Specific policies relative to these aspects of quality assurance are presented in the following paragraphs.

2.6.1.1 Sample Containers

All sample containers provided to clients or used by ETI field personnel are properly cleaned for the appropriate trace analysis utilizing the following techniques:

- O All polyethylene bottles (for inorganic analysis) are:
 - 1. soap washed
 - 2. tap water rinsed
 - 3. nitric acid washed 1:1 v/v nitric acid/deionized water
 - 4. rinsed with copious quantities of deionized water (at least four rinsings)
- O All glass bottles (for organic analysis) are:
 - 1. soap washed
 - 2. tap water rinsed
 - 3. acetone rinsed (pesticide grade)
 - 4. rinsed with copious quantities of deionized water (at least six rinsings) until no residual acetone is detected



O All volatile vials are:

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1. soap washed

2. rinsed with copious quantities of deionized water (at least six rinsings)

3. thiosulfate added

- 4. dried for one hour in a 103°C oven
- 5. cooled and capped with precleaned septa

All sample containers are discarded after their initial use to eliminate the possibility of contaminating samples. Volatile field blanks are provided on a routine basis to check for sample contamination in the field and during sample storage. All volatile vials contain sodium thiosulfate for quenching of residual chlorine unless specified otherwise by the client. Clients are discouraged from providing their own sampling containers due to the possibility of sample contamination.

2.6.1.2 Sample Identification

All samples received are logged into a central sample log. All information on the sample label in transcribed into this document.

2.6.1.3 Sample Preservation

Solid/soil samples will be cooled to 40C prior to analysis.

2.6.1.4 Laboratory Reagent Quality

The quality of reagents used in conducting analytical determinations is continuously monitored by the laboratory staff.

All standards and reagents are prepared with chemicals that meet the American Chemical Society "Analytical Reagent Grade" standards. Special reagents are utilized for procedures which require purity beyond reagent grade. For example, we utilize nitric acid which is specially prepared to be low in trace metals as a preservation reagent.

All reagent solutions are labelled as to their contents, date prepared, and the analyst's initials. In addition to analyzing method blanks to check for reagent contamination, the reagents are continuously observed for signs of degradation, such as precipitation, change in color, or mold formation. Unstable reagents, such as various titrants are standardized each day they are used.

2.6.1.5 Laboratory Water

The laboratory water used for making reagents and rinsing of glassware is constantly monitored by an in-line meter to meet and exceed the electrical conductivity requirements of TYPE I water as described in the <u>EPA Quality Control Handbook</u>, March 1979, see Table A-3.

2.6.1.6 Solvents

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All laboratory solvents utilized for sample extractions are pesticide grade. Solvents are checked for purity on a continuing basis for compounds which may interfere with the specific analysis being performed.

2.6.1.7 Gases

Gases used for chromatographic procedures are high purity or ultra high purity and are equipped with in-line scrubbers to remove trace constituents. These scrubbers take the form of oxygen traps, molecular sieves, and moisture traps. Each is useful for specific applications in gas chromatography. Various combinations of the above scrubbers are employed depending on the particular instrument requirements.

2.6.1.8 Laboratory Glassware

Whenever possible, disposable glassware is employed to reduce the possibility of cross-contamination of samples. Glassware used for metals analyses is cleaned according to the following procedure:

- 1. Glassware is rinsed with a 1:1 nitric acid-water mixture
- 2. Thorough rinsing with tap water
- 3. Final rinsing is accomplished with copious quantities of deionized water

Organic glassware is cleaned according to the following procedure:

- 1. Rinsed with last solvent used
- 2. Rinsed with reagent grade acetone
- 3. Detergent washed
- 4. Tap water rinsed
- 5. Nitric acid rinsed
- 6. Deionized water rinsed
- 7. Rinsed with reagent grade methanol
- 8. Rinsed with reagent grade acetone
- 9. Rinsed with pesticide grade hexane

2.6.2Specific Quality Control Procedures

There are two main criteria which must be met in order to evaluate the quality of generated data. The first criteria is that the data must be accurate. This is a measure of the correctness of the data. Accuracy is a measure of the ability of a laboratory to determine the true concentration of a constituent in a sample. The second criteria is precision. Precision is a measure of the reproducibility of the data. In order to assess the quality of data, both criteria must be defined. It is possible for a test to be precise and yet very inaccurate. Precision and accuracy charts are maintained for specific parameters as described in the EPA handbook.

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5.0 HEALTH AND SAFETY PLAN

Introduction

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The objectives of the Health and Sasety Plan are twosold: First and soremost is to protect the health and sasety of personnel on site; second is to integrate the use of air monitoring protocols, risk assessment techniques, personnel protective equipment, and innovative work practices to provide the greatest degree of individual worker efficiency possible while maintaining an exceptionally high degree of worker sasety. In addition, sase work practices on site help to saseguard the surrounding public and prevent surther contamination and degradation of the surrounding environment. The determination of on site personnel protective equipment, work practices and a medical monitoring program will be based on the results of: 1) an initial site survey and existing background data review; and 2) the site health and sasety monitoring program during on site operations.

One major problem with any safety program is the reluctance of the employee to accept the perceived inconvenience/inefficiency associated with proper safety practices and equipment. Proper safety techniques and the use of safety equipment should be perceived as part of the job responsibility of all on site personnel. Poor safety habits, especially on a hazardous waste site, not only endangers the life and health of the offender, but also jeopardizes the well-being of other employees and could possibly cause serious damage to the worksite and surrounding public and environment.

Environmental Technology projects are organized as follows. The Project Manager is responsible for the overall health and safety program to be implemented for the entire Environmental Technology project team. The Health and Safety Coordinator is responsible for overseeing the implementation of the program on-site. Individual – Health and Safety Officers are responsible for supervising the day-to-day activities associated with the Health and Safety Program.

5.1 Hazard Evaluation

5.1.1 Known Materials On-Site

Extensive sampling of the Rose Chemical site has revealed the presence of PCBs at concentrations ranging from 0 ppm to Askarel. The presence of other contaminants has not been documented. At the time of this report, it is assumed that PCBs are the only contaminant of concern, relative to on-site contamination.

PCBs are readily absorbed into the body by all routes of exposure. They may persist in tissues for years after exposure stops. High levels of PCB vapor (1 to 10 mg/m³) may produce burning feeling in eyes, nose, and face; dry throat; lung and throat irritation; nausea; dizziness and aggravation of acne. These may be felt immediately or be delayed for weeks to months. Chemical acne, black heads, dark patches on skin, and unusual eye discharge have been reported by all routes of exposure. These effects may last for months. Although some sensitive individuals have reported these effects after two days, onset may not occur for months. Liver damage and digestive disturbance have been reported in some individuals. PCBs at high levels have been shown to produce cancer and birth defects in laboratory animals. Whether PCBs produce these effects in humans is not known.

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The above information, when coupled with the evaluation of the site operations that follows, forms the basis of the determination of the personal protective requirements for the project.

5.1.2 Summary of Site Operations

It is anticipated that a wide variety of operations will be undertaken simultaneously during the course of this project. A variety of tasks will be performed, including the following:

- o drum handling
- o drum sampling

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- o material repacking
- o transformer flushing
- o interior surface decontamination
- o equipment/materials handling and removal
- o tank pumping and cleaning

The above operations will likely result in high levels of vapor, and contaminated dust generation. The decontamination of the interior surfaces may involve the use of solvent wash rinses, which could result in an airborne volatile organic problem. Noise levels could reach unacceptably high levels, due to the use of heavy equipment. In addition, the physical hazards associated with the building (jagged glass, confined spaces, hot temperatures, cramped accessways, etc.) will contribute heavily to the hazards associated with the job.

5.1.3 Overall Degree of Hazard

It is anticipated that appropriate protective clothing and respiratory protection equipment will be adequate to provide the necessary degree of health and safety. The use of engineering controls (ventilation equipment, space temperature adjustments, etc.) are preferable to personal protective measures. However, for this project, given the work plan, it is anticipated that a combination of personal protective measures and engineering controls is appropriate.

A "Level C" personal protection program (full-faced respirators, protective gloves and coveralls) is sufficient for a majority of the work to be conducted during the Rose Chemical project. Level B equipment will be available, in the event that air levels exceed action levels or confined space work is necessary. Level D will also be used, for operations involving only a dermal contact problem.

5.2 Personal Protective Clothing and Respiratory Requirements

5.2.1 General

In Section 5.2, personal protective requirements for the materials and operations to be encourtered during the project were evaluated. The purpose of both protective respiratory and clothing precautions are to ensure that the individual is protected from the hazards encourtered in the course of a hazardous waste project. The following sections detail the personal protective clothing and respiratory levels of protection to be utilized by each individual involved in hazardous activities at the site.

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5.2.2 Level B Protection

Level B protection will be required for those operations designated as more dangerous, on the basis of monitoring or other applicable data. This level of protection will consist of the following:

- O Airline respirator
- O Tyvek coveralls, saran-coated, with hood outer garment
- O Cotton coveralls inner garment
- O Surgeon inner glover, latex
- O Viton outer gloves
- O PVC or neoprene outer boots
- O Steel toe/shank workboots
- O Hardhat

All joints will be taped.

5.2.3 Level C Protection

Level C Protection will be used for a majority of the operations. This level of protection will consist of the following:

- O Full-face respiratory will an organic/acid gas/dust cartridge
- O Tyvek coveralls, saran-coated, with hood outer garment
- O Cotton coveralls inner garment
- O Surgeon inner gloves, latex
- O Viton outer gloves
- O PVC or neoprene outer boots
- O Steel toe/shank workboot
- O Hardhat

All joints will be taped.

5.2.4 Level D Protection

Level D protection will be required for any individual entering the building area. This level of protection will consist of the following:

- O Tyvek coveralls
- O Surgeon inner gloves, latex
- O PVC or neoprene outer boot
- O Hardhat

It is anticipated that this level of protection will be used by all visitors to the non-respirator operation areas.

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ACTION LEVEL CRITERIA

Monitoring Instrument	Hazard	Action Level	Action
Explosimeter	Explosive	20% LEL	Complete the inspection
·	Atmosphere	20% LEL	Complete the inspection with continuous monitoring
	•	50% LEL	EXPLOSION Hazard, excavate the area
Oxygen Meter	Oxygen Level	>19 1/2%	Complete the inspection
	Level	<19 1/2%	Complete the inspection, with SCBA, and continuous monitoring
Radiation	Radiation	<0.02MR/hr	Complete the inspection
Detector		>0.02MR/hr	Complete the inspection with continuous monitoring
		>2.0MR/hr	RADIATION hazard, excavate and consult a Health Physicist
Detector Tubes	Organic & Inorganic Vapors or Gases	Specific Species	Consult: NOISH, TLV, other source
Organic Vapor Analyzer (OVA)	Organic Vapors & Gases	Compound Specific	Upgrade/downgrade Levels of Personal Protection

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5.3 Site Control

5.3.1 General

In order to minimize the transfer of hazardous substances from contaminated to uncontaminated areas, three discreet zones will be delineated. These are the work or "exclusion zone," the "contamination reduction zone," and the "support zone."

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The bulk of the actual operations area is located within the confines of the Rose Chemical building. Through strict adherence to the site control divisions, effective control of the spread of contamination from the building to the outside environment will be accomplished.

5.3.2 Exclusion Zone

The exclusion zone, as marked by the "hotline," will be those areas subject to decontamination operations. All excavation, material transfer, and sampling, will take place within this zone. Personnel and equipment access/egress to the area will be restricted to an area located on the other side of the hotline. All personnel working in the exclusion area will utilize the approximate protection. In addition, the area to be used for stockpiling the excavated material will also be considered an exclusion zone.

5.3.3 Contamination Reduction Zone (CRZ)

This zone serves as the interface between the exclusion zone (contaminated) and support zone (clean). This transition zone serves as a buffer to further reduce the probability of the clean zone becoming contaminated. This zone provides additional assurance that the physical transfer of contaminated substances on people, equipment. or in the air is limited through a combination of decontamination, distance between zones, air dilution, zone restrictions, and work functions.

Within the CRZ, material supplies will be staged for the servicing of the vehicles and personnel within the exclusion zone. A tarp will be setup within the CRZ so that personnel working in the exclusion zone can take rest and fluid breaks without proceeding through complete decontamination. Decontamination trailers, with showers, will be setup at the exit of the CRZ, for use by all personel at the end of each day's activities until the permanent decontamination rooms are completed.

5.3.4 Support Zone

This portion of the area is considered "clean" or uncontaminated. Support equipment such as office trailer, equipment/supplies, etc. will be located here. The support (or clean) zone shall be clearly delineated so as to prevent active or passive contamination from the work site. This area serves as the entry point to the site for personnel, equipment, and material to the work area.

Delineation of the extent of these zones at the Rose Chemical site will be finalized by the Environmental Technology team prior to job start-up and will be determined by the following factors:

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O Nature and distribution of wastes and/or hazards on the site

O Concern for minimum exposure of personnel and the non-protected public.

The site control boundaries will serve as the basis for all site operations and, once determined, will be strictly enforced by the Site Safety Officers. Any area which has been used to store, transfer, or otherwise handle any waste materials will be considered within the exclusion zone until hazardous assessment of the suspected area can be performed.

5.4 Environmental and Personal Monitoring Program

As noted in Section 5.2, Hazard Evaluation, the three main areas of concern, relative to airborne problems are PCBs, solvents, and noise. In order to effectively monitor the health and safety aspects during active operations, a program of analytical and real-time monitoring will be conducted. The analytical program will include sampling and analysis for PCBs and solvents associated with the solutions used during decontamination. The real-time program will utilize hand-held direct reading instruments, to be used to monitor for dust, noise, and organic vapors.

5.4.1 Analytical Monitoring

Sampling for airborne PCBs will be conducted prior to job start-up, so as to establish a baseline for any existing ambient levels of PCBs, both inside and outside the Rose Chemical building.

A personal pump will be used to collect samples on a glass fiber filter plus a Florisil tube for PCB analysis. All procedures will be in accordance with NIOSH Procedure #5503. Upon designation of the final solvent-wash solution to be used, baseline sampling for the appropriate solvent will also be conducted. All sampling will be performed in accordance with applicable NIOSH procedures. Samples will be obtained periodically throughout the project so as to establish a strong baseline data set.

Sampling for PCBs and solvents will also be conducted inside the Rose Chemical building, for purposes of confirming personal protection levels. This personal sampling program will be conducted in accordance with applicable NIOSH procedures for PCBs and solvents. Personal samples will be obtained during the job start-up phase and during routine operations, so as to confirm initial findings.

5.4.2 Real-Time Monitoring

Daily measurements with a noise survey meter, a dust monitor, and an organic vapor analyzer (as necessary) will be conducted by the Site Safety Officers throughout the project. Stations inside and outside the facility will be selected prior to job start-up and sampled routinely, to verify that no external emissions are occurring and that personal protection levels are consistent with the established action levels.

In addition to the real-time monitoring discussed above, explosimeters and oxygen meters will be utilized in the event of confined space entry operations. These operations may be necessary to investigate and decontaminate the tanks located at the Rose Chemial Facility.

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5.5 Site Access Procedures

5.5.1 General Requirements

All personnel involved in the operation will satisfy the following requirements before initiating work on-site within the CRZ or Exclusion Zone:

- O Received and passed a physical examination.
- O Received adequate hazardous waste training.
- O Received a briefing on all aspects of HASP.
- O Are properly dressed and equipped, in accordance with all personal protective guidelines.
- O Informed the SSO of their entrance into the Exclusion Zone.

All personnel entering into areas or performing tasks requiring Level C or B respiratory protection will comply with the following requirements:

- O Received and passed a FIT test
- O Be clean shaven (with the exception of a short, trimmed moustache).
- O Received the necessary respiratory training.
- O Received instruction in the use of the "buddy" system and line-of-sight protocols.

5.5.2 Site Entry and Exit

The following protocols will be followed during site entry into the Exclusion Zone:

- O All personnel will dressout and activate the necessary monitoring equipment.
- O All personnel will notify the SSO of the intended operations.
- O This SSO will review Section 4.6.2 above, with all personnel.
- O All personnel will enter through the designated entry point.

The following protocols will be followed during site exit from the Exclusion Zone:

- O All personnel will exit through the designated exit point.
- O All personnel will process through appropriate decontamination.

Daily Start-Up and Shutdown Procedures

The following protocols will be followed prior to daily site start-up:

- O The SSO will review site conditions with respect to modifications of work and safety plans.
- O Personnel will be briefed and updated on safety procedures.
- O All safety and monitoring equipment will be checked for proper function.
- O The SSO will ensure that first aid equipment is readily available.
- O The SSO will initiate the appropriate monitoring.

The following protocols will be followed at the shutdown of daily operations:

- O All personnel will process through appropriate decontamination.
- O The SSO will log all personnel out of the site.
- O All equipment will be decontaminated and secured.



5.6 Decontamination

5.6.1 General

Decontamination of personnel and equipment is accomplished before leaving the work zone. This is a standard procedure in all cases. Decontamination of personnel will be accomplished within the Contamination Reduction Zone. The decontamination system will provide a controlled undressing and washing system designed to avoid transfer of chemical contamination from protective clothing to the skin. The decontamination system will be adjusted to the level of protective clothing being work, but the sequence of procedures will remain standard.

A limited decontamination station will be established within the CRZ to be used by the downrange personnel for liquid replenishment and rest periods. This station will enable these personnel to forego complete decontamination when taking short breaks.

A decontamination facility will be located at the access/egress point of the CRZ and the Support Zone. All personnel working in either the Exclusion Zone or CRZ will shower at the end of each day's activities. The decontamination process used in the CRZ prior to entering the decontamination area will result in removal of all contaminated clothing, boots, etc. so that contamination of the decontamination area will be minimal.

5.6.2 Equipment Decontamination

For decontamination of heavy equipment used within the Exclusion Zone, a temporary decontamination station will be set up at the Exclusion Zone boundary with the Contamination Reduction Zone (CRZ). The station will be designed based on the size, weight, and number of vehicles to be decontaminated. A high-pressure washer, using a diesel fuel/detergent/hot water mixture, will be used to decontaminate the excavation equipment. All equipment leaving the site will be certified as "properly decontaminated" by the SSO.

Upon completion of each day's work activities, some heavy equipment will require wash-down with firehoses or high pressure water systems, in order to prevent a buildup of contaminated material on the equipment. An area will be designated for this purpose, so that the contaminated water can be vacuumed and disposed of on the same day. At a minimum, all decon water should be contained for removal at the end of the day.

5.7 Training

5.7.1 General

Personnel involved with hazardous waste site activities require a variety of interdisciplinary skills. A training program to train inexperienced personnel in the overall concepts, principles and procedures of hazardous waste site work activities will be provided prior to job start-up at the Rose Chemical site.

The program will be structured to offer a balance between the theoretical and practical, with lectures and hands-on" field exercises. After completion, attendees will understand the basis principles of personnel protection and safety so that they

may perform hazardous waste site activities in a safe and organized manner. They will also be trained to understand the problems associated with confined space entry work.

The course topics will include toxicology, protective clothing, respiratory protection, decontamination, emergency preparedness, evacuation techniques, and confined space entry procedures.

The course will also include a "fit test" on each individual to assure that the masks being used are adequate to protect that individual from respiratory hazards. Upon completion of the respiratory protection training, the attendee should be able to effectively perform required tasks while maintaining maximum safety in a hazardous environment.

In addition, routine safety meetings will be held. These meetings will instruct employees in operational safety requirements, update any changes required in procedures, and inform new employees of the health and safety protocols in effect.

5.7.2.2 Toxicology

This will be a survey of the toxicological dangers involved in the handling of chemicals. It will stress the hidden toxicological dangers such as carcinogencity, synergism and chronic exposure.

5.7.2.3 Safety Planning and Principles

This will discuss risk assessment as applied to daily routine and the use of risk assessment in the design of risk avoidance programs. An important segment of this is need for and design of safety programs which provide adequate safety without undue loss of efficiency.

5.7.2.4 Respiratory Protection

The design and implementation of a respiratory protection program will be presented. The use of respiratory protection is a very important part of the course. This is especially true when confined space entry work is part of the on-site activities. The course will instruct personnel in the use and care of SCBAs, a field exercise, and fit testing.

5.7.2.5 Protective Clothing

This includes a discussion of the various types of protective clothing, limitations of different materials used to make protective clothing and the criteria for choice of clothing.

5.7.2.6 Decontamination

A primary factor in any hazardous waste or spill incident is the decontamination of personnel and equipment. If not properly decontaminated, any individuals involved in the incident, and any individuals who come in contact with them later, are placed in continued danger. Therefore decontamination principles must be thoroughly understood and enforced.

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5.7.2.7 Confined Space Entry

Confined space entry is an activity which has a high potential of hazard. It is especially dangerous when entering confined spaces on a hazardous waste or a hazardous material storage site. Workers engaging in this type of activity must be thoroughly trained in respiratory protection, use of protective clothing, and the use of monitoring instruments. In addition, they must be aware of the proper operating techniques to be used when entering confined areas such as chemical storage tanks.

5.8 Medical Monitoring Program

5.8.1 Physical Examinations

To safeguard the health of all personnel involved in on-site operations for the Rose Chemical project, each individual will undergo a complete physical examination at an approved medical center prior to being permitted on site. The medical examination serves a two-fold purpose; 1) to verify that individuals are physically fit and able to withstand the stress of working in respiratory protective equipment, and 2) to establish a baseline from which to judge whether or not exposure has taken place and contaminants have established residency in body tissues. The medical exam will include:

Doctor's Exam
Chest X-Ray
Pulmonary Function
CBC with differential
Urinanalysis

Audiogram
SMA-24
PCB Blood
EKG with blood pressure

Photostatic evidence of such an examination will be filed with the Health and Safety Coordinator prior to site entry. If an individual suffers an accidental exposure to a hazardous material, a second examination will be required for comparative purposes.

5.8.2 Medical Emergencies

In the event of an exposure incident or injury due to accident, the following actions will be taken:

- O Any accidental exposure to a material will necessitate a full analysis of that material to enable implementation of appropriate responses to protect the health of the individual involved.
- O Any individual developing any abnormality during the site work will be removed from the site until they are certified to be recovered and in good health. They may then be reinstated.
- All injuries, skin contact with waste or unsafe procedures or conditions will be reported immediately to the SSO. Local ambulances will be made readily available from short distances away (phone numbers shall be posted). Emergency first aid treatment will be administered as appropriate. Injured workers will proceed through decontamination immediately, if ambulatory. If not ambulatory, injured workers will be removed from the work zone to await medical assistance.

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5.9 Emergency Procedures

5.9.1 General

Emergency response procedures are necessary due to the potential for accidents when working with large quantities of hazardous liquids and solids. These procesures specify the responses, notifications, and decisions necessary when an emergent situation occurs.

The Environmental Technology Team will utilize the Health and Safety Coordinator as the Emergency Coordinator. This individual has experience in emergency response, and also possesses the authority to commit resources to the mitigation of any inadvertant releases to the environment. Environmental Technology will also provide for backup Emergency Coordinators.

Once the Contractor has drawn up a complete evacuation plan, supervisory project personnel will be instructed in the step-by-step response to an accident. The responses will include:

- O Responsibilities of the Emergency Responder
- O Responsibilities of the Emergency Coordinator
- O Identification of situations which require immediate action by Emergency Responder
- O Identification of situations which present threats to health or life
- O Familiarity with the limitations and capabilities of the local Holden Police, Fire and Hospital Facilities
- O Use of personal protective clothing and respiratory equipment in the event of an emergency
- ^o Familiarity with Primary and Secondary Evacuation Routes from the Site and the surrounding vicinity.

5.9.2 Specific Emergency Response Procedures

In the event of a hazardous material spill, the Environmental Technology Team will address the following issues during emergency response:

- O Sequential flow of emergency response
- O Data Sources to be consulted
- O Notification Procedures for Local, State and National Agencies
- O Procedures to identify and characterize the nature of the spill
- O Evacuation Procedures

In the event of a vapor cloud release, the following issues will be addressed:

- O Sequential Flow of Emergency Response
- O Data Sources to be consulted
- O Notification Procedures for Local, State, and National Agencies
- O Procedures to identify and characterize the nature of the vapor cloud
- O Air Monitoring requirements for site perimeter
- O Evacuation Procedures

In the event of a fire or explosion, the following issues will be addressed:

- O Sequential Flow of Emergency Response Procedures
- O Notification Procedures for Holden, Missouri, and if necessary, National Agencies
- O Evacuation Procedures

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- On-site and Site Perimater Monitoring Requirements
- O Responses of on-site personnel

In the event of a transportation accident, the following issues will be addressed:

- O Prior definition of transportation routes which must be used by all parties transporting the contaminated materials
- O Sequential Flow of Emergency Response
- O Data Sources to be consulted
- O Identification and characterization of spill
- O Notification Procedures for appropriate state agencies

In the event of an evacuation, the Environmental Technology Team will act as the communication point between all applicable agencies. Primary and secondary evacuation route maps will be developed prior to job start-up. Personnel accounting stations, also previously developed, will also be used.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

MEMORANDUM

Meeting with ETI Representative SUBJECT:

FROM:

Leo J. Alderman

Chief, Toxics and Pesticides Branch

T0:

MCR File

Mr. Steven Kay, Vice President, Special Services, met with Art Spratlin, Leo Alderman, Greg Smith, Steve Kinser and Henry Rompage.

Mr. Kay submitted a "...site operations plan..." for the MCR facility.

According to Mr. Kay ETI has 15 to 20 generators interested in using ETI's service to dispose of the generators' PCB items. Mr. Kay asked if EPA would allow ETI to enter into a contract and subsequently dispose of the material. Mr. Kay was concerned when Dave Tripp expressed the position that no materials could be moved off-site unless done as a concerted effort under a consent agreement. Henry Rompage informed Mr. Kay that their would be a legal issue prohibiting a generator or his contractor done in accordance with the law. Henry from remov . ETI or EPA could prohibit a generator further ex from compl

Mr. K. between ET EPA could that the PI facility b tatives would look at the contracts rove them. We informed Mr. Kay that the contracts and EPA needs to be ensured nandled in compliance with TSCA and the

We emphasized to Mr. Kay that ETI needed to coordinate their efforts with the generators.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

Telephone Record of Communication

Fr: Ruben McCullers

To: File

At approximately 12:00 on May 21, 1986, Henry Rompage and I received a call from George Hesse from ENSV concerning the fate of the non-spilled oil in the tank truck at Rose. Henry explained to George that as the oil has 17 ppm PCBs it had to be disposed of. Dwight Thomas of American Steel asked to discuss this matter with me.

I explained to Mr. Thomas that the regulations do not allow the use of oil with any PCBs and that any shipment of the oil they do must be for purpose of disposal, although the oil is not subject to the disposal requirements of the regulations. I suggested they find someone who had a state or EPA approval to dispose of PCB Containing oil and sent it to them. Dwight did not like that option. I propose that they repack the oil into some of the empty drums that Rose has on site until they can arrange proper disposal. Mr. Thomas said that those drums would further contaminate the oil and he did not want to use them. I said they needed to get the oil out of the truck to prevent a reoccurance of the spill, but that whatever activity they do, must be in compliance with the regulations. He said he would discuss the options with ETI.

We terminated the conversation.

ENFORCEMENT SENSITIVE

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· ETI not being paid by Carolon -Hope to recover cost from Generator in fute

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500 SOUTH 27TH STREET, DECATUR, ILLINOIS 62525-1805

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May 21, 1986

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Mr. Art Spratlin
Director, Air & Waste Toxics Management Division
U. S. Environmental Protection Agency, Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Dear Art:

Upon receipt of your letter dated May 16, 1986 I reviewed my records to determine what I intended to attach to my letter to you dated May 12, 1986. After reviewing the letter, I realized I had made an error in the sixth paragraph. I intended to ask you to send me a copy of the letter from Rose to Region VII regarding Rose's intent to come to agreement with ETI and to not allow cleanup to be performed by other than ETI. Through an error, I ended up telling you I was sending this letter to you when, in fact, I intended to request it from you.

I am sorry for any confusion this may have caused you.

I regret that you are unable to meet with us on May 22. I will be calling you after the meeting to apprise you of anything of significance that may have happened.

Sincerely,

ILLINOIS POWER COMPANY

Jene L. Robinson

Chairman

Rose Chemical Steering Committee

cc: P. J. Womeldorff, Illinois Power - B-20 Jim Kohanek, Clean Sites Rose Chemical Steering Committee Sheldon A. Zabel - Schiff, Hardin & Waite

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MAY 2 7 1986

AIR AND TOXICS DIVISION

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rec'd 5-3-86 18/EAD

art Spratlin MEMORANDUM Cerl Merton + OF CALL Province editions applie HE Walten TO: TONAWANDA. NEW YORK 14120 . 716-693-7700 + Carl , Jassunce Mis is what EIT There has show the city fathers at Halden . Jone PLEASE PHONE IS WAITIN' WILL CALL AG SM RETURNED YOUR CALL -ugy's els Site . Rose Chemicals, 63·1 ETI has however .c Agreement with Rose and functioning in your ancial risk, but we Responsible Parties divolvement that our ositive manner. ace May 12, 1986 and promptly cleaned up, up. ETI has already the internal records ole to ETI under the t considerable time (s) with full access fiade available under ocess at present of itment system and y discharge areas to racimer decommandarion lecilities y upgrading the on-Chemical. facilities, as well already begun by Rose

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Power Company

P

May 19, 1986

Illinois Power Company ?.O. Box 511
Decater, Illinois 62525

Attn: Mr. Jene Robinson

Dear Sir:

Enclosed please find a copy of Environmental Technology's proposed plan for remedial activities at the Rose Chemicals Site in Holden, Missouri.

As you can see, ETI is in no way affiliated with Rose Chemicals, Inc., its Officers, Principals, or Employees. ETI has however been successful in negotiating a Management Agreement with Rose Chemicals. At present ETI is on-site and functioning in your behalf at our expense! We recognize the financial risk, but we are confident that once the Generators or Responsible Parties recognize the postitive side of ETI's involvement that our remediation plan will be received also in a positive manner.

For your information, ETI has been on site since May 12, 1986 and has already responded to one spill which was promptly cleaned up, and another which is presently being cleaned up. ETI has already spent considerable time and effort reviewing the internal records of Rose Chemical which have been made available to ETI under the Management Agreement. ETI has already spent considerable time learning the warehousing system (as it exists) with full access to the entire facility which again has been made available under the Management Agreement. ETI is in the process at present of upgrading the surface water runoff treatment system and increasing the capacity of the holding and discharge areas to handle the spring rains. ETI is also presently upgrading the onsite building and equipment decontamination facilities, as well as personnel decontamination facilities already begun by Rose Chemical.

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MAY 2 7 1986

AID AND TOXICS DIVISION

May 19, 1986 Page 2

The Management Agreement between ETI and Rose Chemicals also offers several time and cost advantages to the Generators /Responsible Parties in that, because ETI is already on-site and functioning with a contract, there is no need for any legal action or long drawn out, and costly court action to gain access to the site.

An organized, professional approach is necessary if this project is to proceed in a realistic time frame with any degree of cost efficiency.

If you feel that you would prefer to remove the materials owned by your company you are certainly welcome, however we suggest you come visit the site and speak directly with our personnel and see for yourself the difficulties involved first. Any such removal would have to be scheduled with ETI and be accomplished under ETI's guidelines as prepared for the Rose Chemicals Site.

The U.S. EPA, Missouri DNR and Local Government agencies are totally cognizant of ETI's acitivities and of this attempt and contact with the Generators/Responsible Parties with regard to ETI's intentions. Another package containing a proposed contractual agreement and a letter from the President of ETI should reach you shortly.

We sincerely hope that the material presented here meets with your approval, and that you will consider the services that ETI is offering under these difficult circumstances. If you have any questions, or if we can be of any further service please don't hesitate to contact ETI at 813-931-7060 or 716-693-7700.

Very truly,

ENVIRONMENTAL TECHNOLOGY, INC.

Steven R. Kay

Vice President Special Services

Enclosure

SK: bw: 24,25

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FOIA Exemption 7(e)

July 23, 1986

DHL Express

Mr. Peter Roman
Professional Staff Investigator
Subcommittee on Energy, Environment and
Natural Resources
Committee on Government Operations
House of Representatives, Room B 371-B
South Capitol & Independence Avenue
Washington, DC 20515

Dear Mr. Roman:

Enclosed are the remaining copies of documents you requested. I am also enclosing our file with pictures taken in and around the facility. This is our original file which we would request you return.

Our letter of July 11, 1986, outlined our understanding of the procedures for using these documents.

We will be available for further discussions on this facility. I would appreciate hearing back from you concerning any decisions made concerning further inquiries regarding this facility.

Sincerely yours,

David R. Tripp Regional Counsel

Enclosures

bcc: Ruben McCullers
Heinie Rompage
J. Scott Pemberton

CNSL:MRSteincamp:mls:7-23-86

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FOIA Exemption 5, 7(e)

MEMORANDUM

DATE: A

APR 28 1986

SUBJECT:

Referral for Litigation

FROM:

Morris Kay

Regional Administrator

and

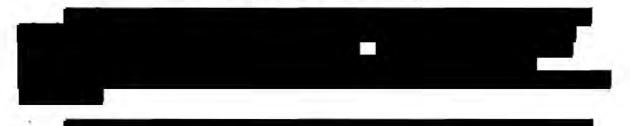
David R. Tripp Regional Counsel

TOI

Richard Mays

Acting Assistant Administrator for Enforcement

and Compliance Monitoring (LE-133)



Attachment Data Sheet

Enclosure Referral

CNSL-HFR:emm-4/24/86-X524-Disk TSCA

"ENFORCEMENT SENSITIVE"

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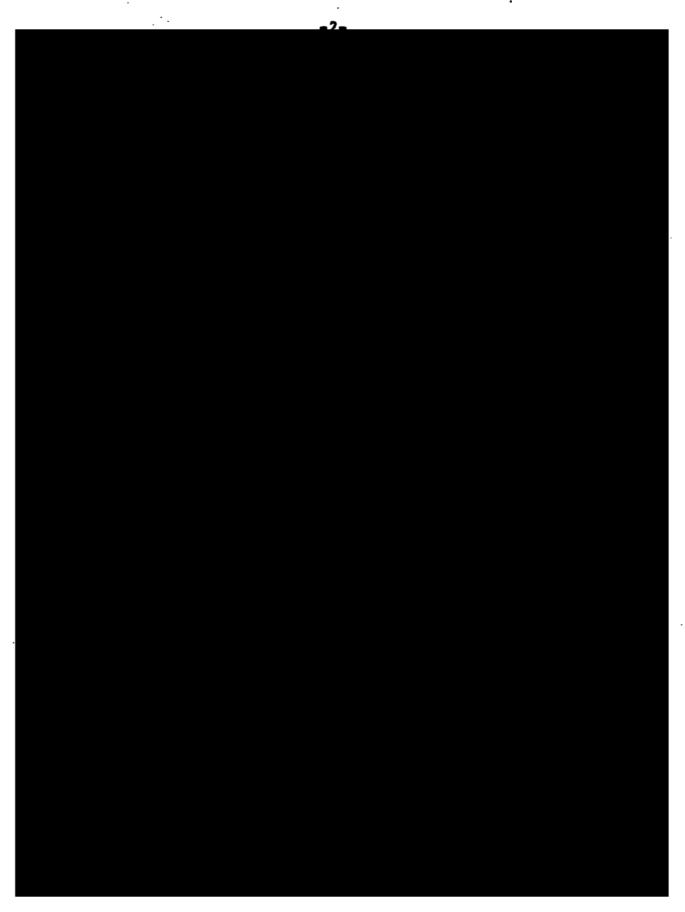


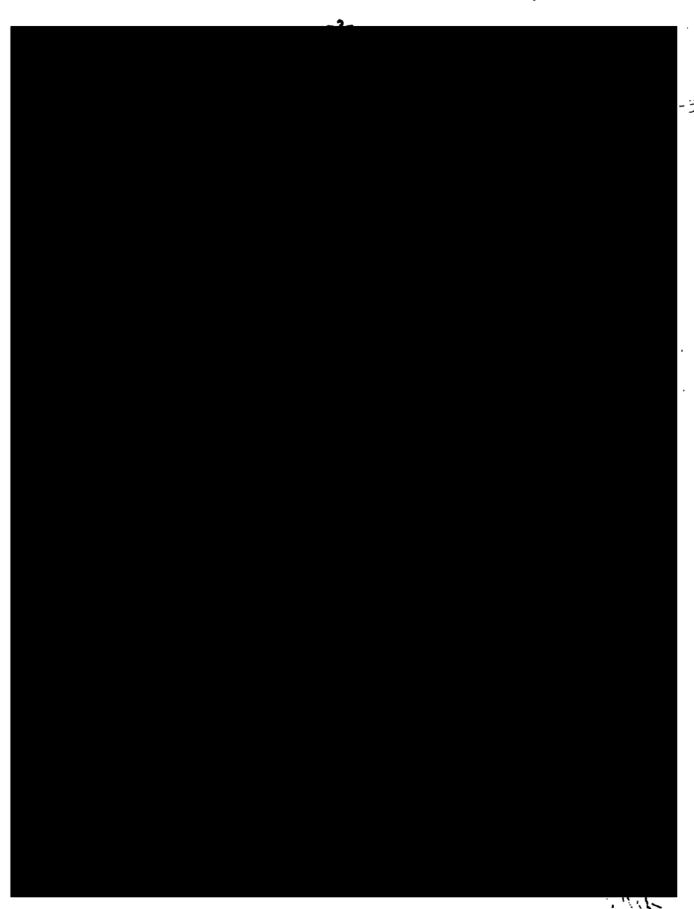
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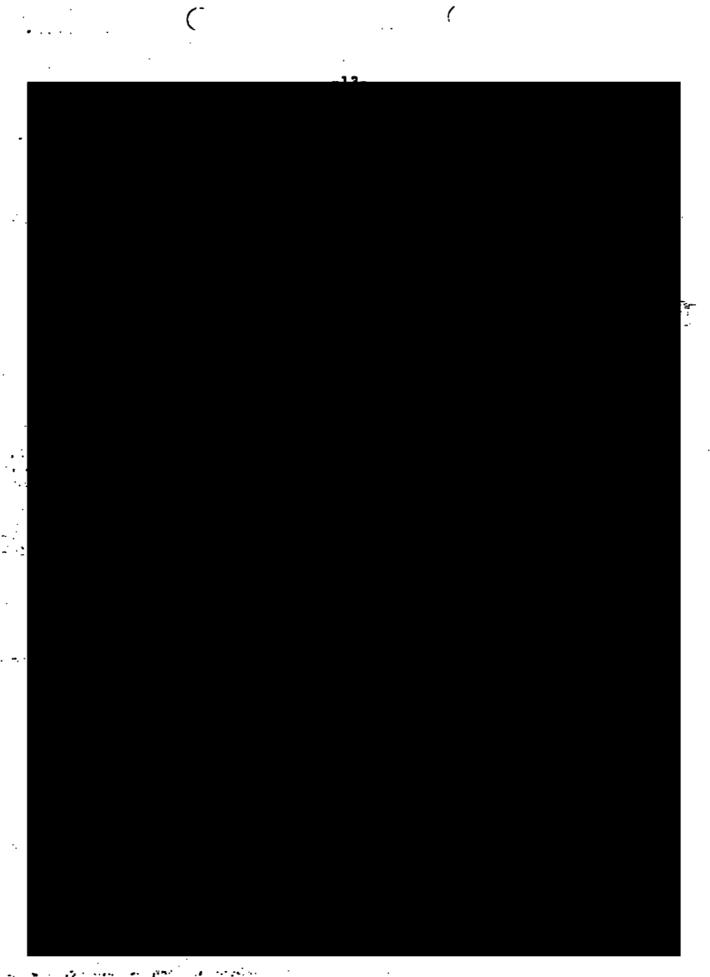
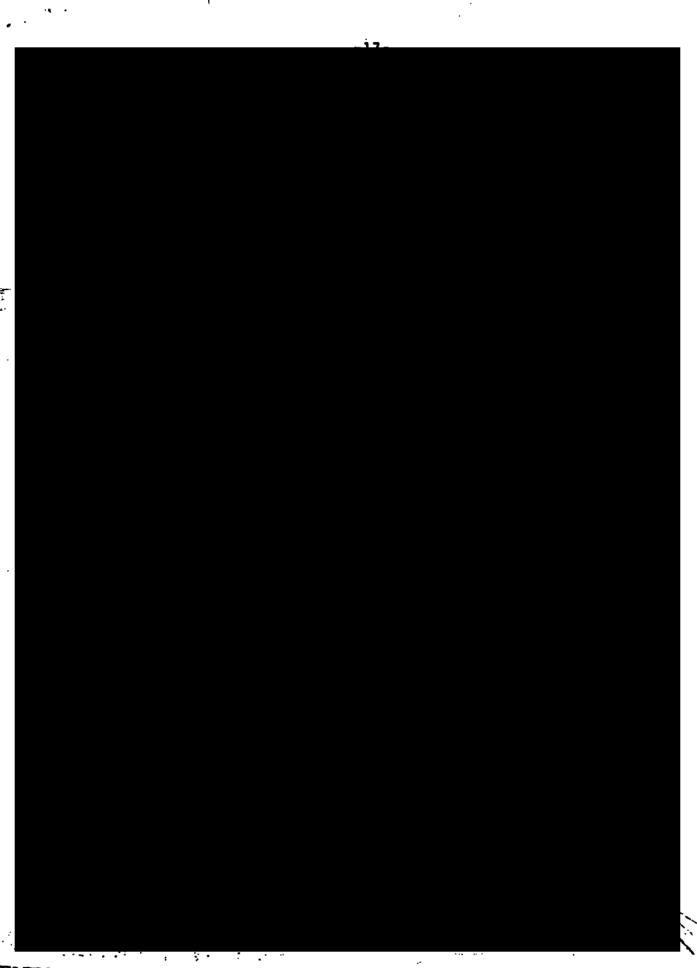


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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

MAY 3 0 1986

MEMORANDUM

SUBJECT: Martha C. Rose Chemicals, Inc., et al.

CERCLA 106 Administrative Order

FROM:

Decet Pemberton

Assistant Regional Counsel

TO:

Craig Smith Chief, RCOM

Leo Alderman Chief, TOPE

In response to the Administrative Order issued by EPA pursuant to Section 106 of CERCLA, Respondents, Martha C. Rose Chemicals/Walter Carolan have requested a meeting on Tuesday, June 3, 1986 in our offices to discuss the terms of the Order. Also attending the meeting will be John Papsidero, Attorney for ETI and Dan Buckavic, Attorney for Lear Siegler. I agreed to extend the response time specified in paragraph 9 of the Order to a time after the Tuesday meeting based upon Respondent's assurances that necessary spill clean-up activities would continue and that Rose Chemicals/Walter Carolan would provide, as of 8:00 a.m. Thursday, May 29, twenty-four hour security at the Holden facility until the security fence is erected. Jim Anderson, Attorney for Rose Chemicals, indicated that Lear Siegler may be willing to provide a portion of the security measures required by the terms of the Order (fencing and guard service).

I believe the Agency should be prepared to discuss the following issues with the Respondents at the June 3rd meeting.

(1) The May 12-16 PCB Spill. The specific measures taken by the Respondents with respect to spill cleanup activities, including extent of clean-up, storage/disposal of materials excavated, the extent of clean-up verification sampling and results of analyses, and what has been done with the tanker truck(s).

- (2) Restriction of Access and Site Security. The quality of the twenty-four hour security being provided.

 What EPA expects as an adequate security fence will have to be resolved. I have informed a representative of American Steel that, a six-foot chain link fence with barbed wire at the top would probably be acceptable. Anything less than a six-foot fence, the Respondents would have to provide justification (which I believe they intend to do). The extent of the warning and inotification systems and posting of the site will have to be addressed.
 - (3) Inventory and Disposal Plan. ETI has stated that such a plan has already been submitted. The Agency should be ready at the meeting, to discuss the defi-ciencies of that plan. One of the basic problems with ETI's proposal is that it is based on the assumption that all the generators, or at least a significant portion of the generators, will contribute sufficient funds for the implementation of an inventory/disposal plan. A representative of the group of generators who have formed a committee to address the problems at the Holden facility has indicated to me that this group of generators has not committed to the ETI plan and are less than enthusiastic about doing so at this time. The Agency must be prepared to demand assurances from the Respondents that inventory and proper disposal will be completed regardless of whether or not additional funding is obtained from the generators.

We should be prepared to identify any additional sampling and analyses or investigative work that will be required to determine extent of PCB contamination resulting from past releases of PCBs into the environment.

Assuming Respondents intend to submit an inventory/disposal plan to EPA, it may be useful and time-saving to provide an outline of what will be required in an approved plan. If relevant generic protocols (i.e., health and safety plan or sampling plan) are available, we should probably provide the Respondents with copies.

cc: George Hess - ENSV
Henry Rompage - CNSL
Steve Kinser - SPFD
Ruben McCullers - TOPE

Representing NAME Ruber B Mc Cullers EPA/TOPE ETI JOHN F PARSIDERD .. KENNETTI J. KULINOWSKI ETI Light Thomas weet LATIES GAXCLAN Welle Carolan HENRY F. RUMPAGE EPA-REG. COUNSEL Faviore Wilson EPA-CONGRESSIONAL T. こじつかい シ Parties and Muk & Ventek Ja Hart Butter a .d. G. Thi - watson, Ests, Marshall + Englas connect for Lear Siegler, Inc. Daniel Bukovac - 5 PA C NUL Scall Pemberdon Robert L. Morby - EPA- Superful Branch FPA Compliance Section Separate Come Steven E. Kinsel EPIR George K. Hess

Rose meeting 6-3-86 had my meeting to respon to order - Orderand the for done) said he hope I da would take the lead. He first asked what stil to his simily for some ity fence. Indicated them being would be awall to a complete in the second in doot suggest we gother the Onde + cutolies for what healess done to claim up ofilin creak. I might home I seemed ofill after they shat down ate they had Tank processed of it is after they shall down atte they had tank processed of the was caused, spilling about 200 into good of about 7/ fpm. Et at then spoke up on was of leaves of about, & change modification. They chained the tank They are seconding contain paint of their is drawn. They have a flavor for flavor and they have a for a flavor for the containing of the property. We present out they had no respons for classiff. Rose said that the legion would less taking one response for the tank they for the property of his top were excessed, will along the creek had a directly were excessed, will along the creek had a directly were excessed, with along it would take to complete cleaning. I seeme only of the property of the pro Heory suggested whiling water to create Raise dil o Then call my home & abraleast. L. & days WCCI is in rot experte take on the clear up. Hose wanter to know y Da mas going & esse public fulls & clam up y mesaid that we were not planing to rely on public feedo.

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PCB INSPECTION REPORT

Martha C. Rose Chemicals, Inc. PCB Division 500 W. McKissock Holden, MO. 64040 Date: December 19, 1985

Docket No. 07-86-T-190

Inspection No. 121985178101

Introduction

An inspection was conducted at the above named site to determine the firm's compliance with the PCB Rule, 40 C.F.R. Part 761, as regarded storage and marking.

Summary of Observations

On December 19, 1985, Ruben McCullers and I presented our credentials, Notice of Inspection and Confidentiality Notice to James V. Carolan, Director of Accounting and Finances. Mr. Carolan said he was the highest ranking official present at the time. He directed Esco Taylor, production coordinator, and Sharon Hays to accompany us during the inspection. Safety equipment including smocks, booties, gloves (both surgical and nitrile), hard hats, and goggles were provided by the firm and worn during the inspection.

First, we walked through the facility to acquaint ourselves with the layout. Then, we went through again to document possible deviations from the PCB Rule. Dwight Thomas instead of Sharon Hays accompanied us on the second trip. Possible deviations which we observed were as follows.

An area at the northwest corner of the plant approximatley 30' x 85' has been identified as a core storage area. Upon entering that PCB storage area, we observed a crack in the curb (Photo 1). Inside the storage room was a large stack of paper bags marked ML (photos 2-4). The stack was approximately 21 bags high, 25 bags wide, and 50 bags long for a total of about 26,250. None were dated. The bags appeared to have plastic liners but oil had soaked most of the paper bags. Some bags were labeled, "Percy Kenbag Freight shipping Bag", and others were "Sunlight Flour, willed for Southern Commodity Corp., Miami, Florida 33167". Some bags had duct tape on them.

In the north end of the reactor room area, 55 gallon drums of fluid were stacked up to four drums high (Photo 5). None were bound or strapped together. At least two drums were marked as having been placed in storage over one year, prior to the inspection (photos 6 and 7). One was dated 6-11-84 (0-9610) and the other was dated 5-3-84 (OX-173). Other drums which were examined for possible records review later included the following:

(1) 0-13113, 10-9-85; 0-19108, 10-10-85; OX-386, 1-16-85; TPS 0-12427 Man 86, 9-24-84; and T-1896 Man 1507/6716 Eaton utilities. In the south end of the room, there was an open steel box containing leaking PCB capacitors (Photo 8). It was about 4'x4"x10' and marked MCR CB 1239, 8-30-85.

Individual warehouse storage tanks containing PCB fluid have been curbed but the curbing was broken around one (Photo 9). Warehouse storage tank number 3 bore a storage date of 11-9-84 (Photo 10).

A large steel capacitor core storage bin (about 10 x24' x24') was located just east of the warehouse storage tanks. There were no storage dates on the bin. I climbed to the top and looked through the manholes and observed the bin was full. East of that bin, were additional wooden crates (boxes) (photo 11) filled with PCB capacitor cores. One identified as number 82 and dated 12-18-85 (Photo 12) was opened for our viewing and we saw the capacitor cores in the box. There was a poly liner. Another wooden crate was open (Photo 13) and being filled with PCB debris. Rain suits and other trash were in the box. The box was not dated but employees orally stated they had begun filling the box on 12-18-85, and were still adding to it.

As we went towards the area where transformers are dismantled, we observed two large transformers with their tops sawed off and filled with dirt and debris (Photo 14). Numbers handwritten on them were 14912 and 15026. It appeared as if MLs or ORM-E works had been removed from them. We also observed additional wooden crates of debris (Photo 15) and capacitor paper. Some, such as CP-1982 and R 1028, were marked with a "D" which a Rose employee said identified the paper as dirty or PCB contaminated. other crates of paper, such as CW 1197, were marked with a "C" to indicate the paper had been cleaned of PCBs.

Along the wall between the machine shop and American steel we saw more transformers with their type sawed off and used for storing debris (Photo 16). A similar transformer was outside the restroom door (Photos 17 and 18).

The drum storage warehouse is a separate building in the southern portion of the property. Many PCB contaminated drums are stored in that building (Photo 19). Some drums were stacked on a loading ramp in the building (Photo 20) which was equal to the top of the curb. The curb was also broken (Photo 21) at one of the outside doors.

As we returned to the main building, we observed pallets of capacitors on the dock which were not marked with 6"x6" MLs (photos 22 and 23). They were from West Texas Utilities, West 19th St., San Angelo, Texas, Manifest No. 01696. A partial crack in the curb outside the entrance to the lab was also noted (Photo 24).

Discussion with Management

The closing discussion at the PCB Division of Martha C. Rose Chemicals, Inc. was with Patrick Perrin, Plant Manager, Esco Taylor, Dwight Thomas, and Sharon Hays. Mr. Perrin signed the Declaration of CBI, Receipt for Samples, and Summary of Observations. He said the information was not confidential and requested a copy of the photographs. We discussed the

possible deviations from the PCB Rule listed on the Summary of Observations and pointed out during the inspection. Mr. McCullers suggested the firm write a request for approval of alternate storage containers.

David A. Ramsey

Consumer Safety Officer

12/27/85

Attachments: Notice of Inspection

Confidentiality Notice Declaration of CBI Receipt for Samples Summary of Observations

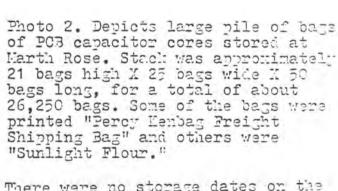
Photo

Floor Plan for Holden Plant

FATES form



Photo 1. Depicts crack in curb incide building where bags of PCB capacitor cores were stored at Martha C. Rose Chemical Company, Inc., PCB Division, 500 W. McKissock, Holden, MC, as seen on 12/19/85.



There were no storage dates on the bags.

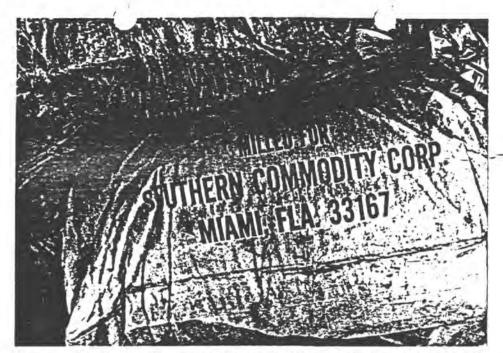


Photo 3. Depicts some of the printing on the paper bags of PCB capacitor cores. Bags appeared to have a thin poly liner, but most of the paper was oil soaked.



Photo 4. Depicts H_{L} on bag and "Sunlight Flour."

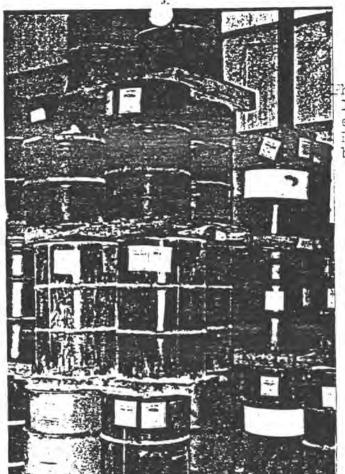


Photo 5. Depicts 55 gallon drums of PCB fluid stacked in the north end of the reactor room area at Rose Chemical. Drums were not banded together.

ORM-E (RO) PARTIES
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CONTAINS HAZARDOUS OR TOXIC WASTES
HANDLE WITH CARE

Photo 6. Marking on one of the drums in the reactor room area showing a storage date of 6/11/34 indicating storage of more than one year.

HAZARD 3 WASTE	E-Spire .
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Photo 7. Harking on another drum in the reactor room area showing a storage date of 5/3/84 indicating storage of more than one year.

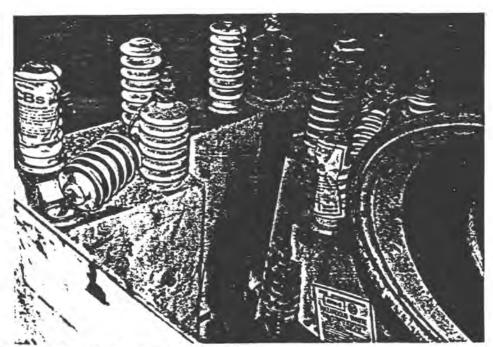


Photo 8. View of leaking PCB capacitors in an open steel box stored in the south end of the reactor room.

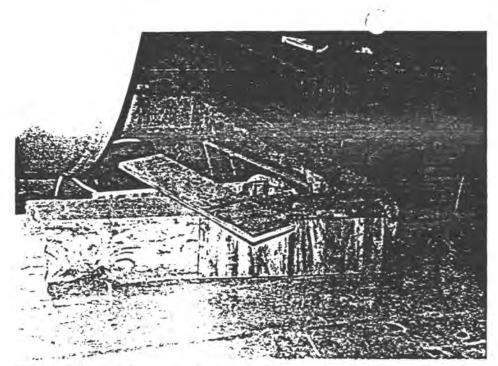


Photo 9. Broken curbing around individual warehouse storage tank. This was next to and behind scales and had apparently been hit by a fork truck.

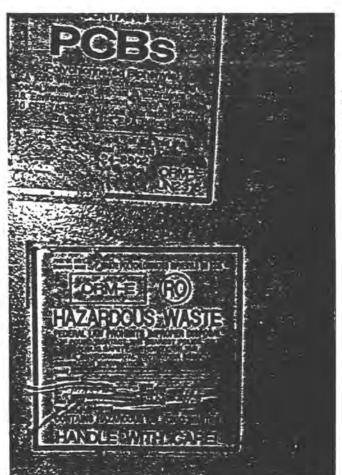
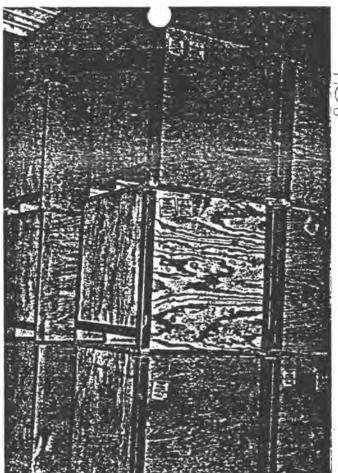


Photo 10. Depicts marking on warehouse storage tank number three. Storage date was 11/9/34.



Moto 11. Stacks of wooden bones (bins or crates) containing TRGS capacitor cores.

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Thoto 12. Depicts mark on woolen crate Rose Chemical employees opend for our inspection. The capacitor cores were wrapped in a plastic sheet inside the bon.



Photo 13. Depicts open bom of POB debris.

This undated open bor at Rose Chemical was being added to according to employees and had been started on 12/13.

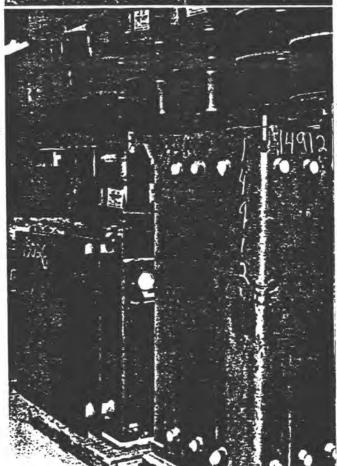


Photo 14. Shows two POB transfermers with their tops sawed off and filled with dirt and debris. Employees thought they might have done this but were unsure and stated that items are schetimes received this way.



Photo 15. Wooden crate of debris, oil dry and wood.

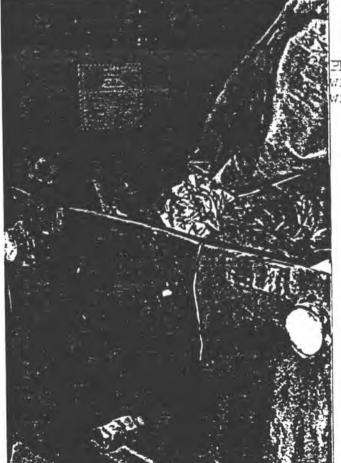
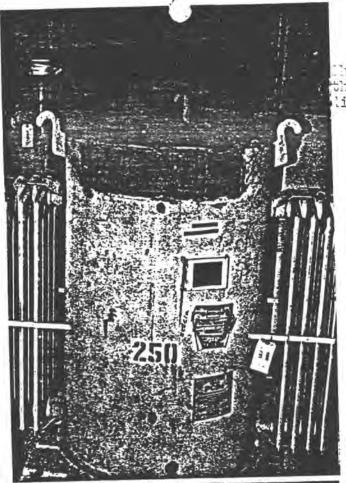


Photo 16. Another transformer with the top sawed off and filled with debris.



Thoto 17. Another transformer with the top sawed off and filled with lirt.

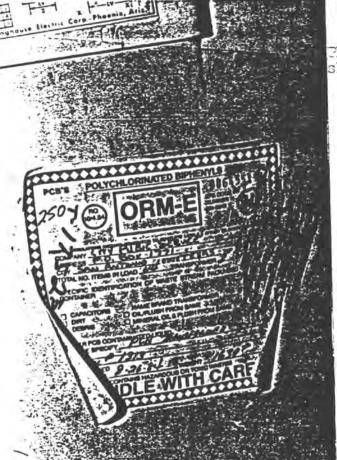


Photo 13. ORK-E label on unit shown in Photo 17.

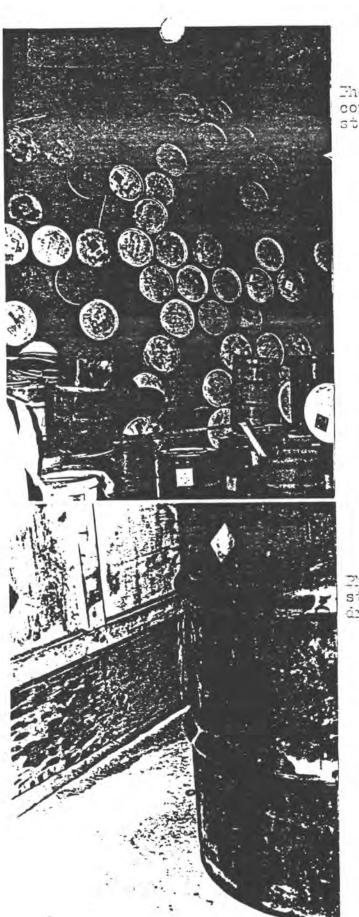
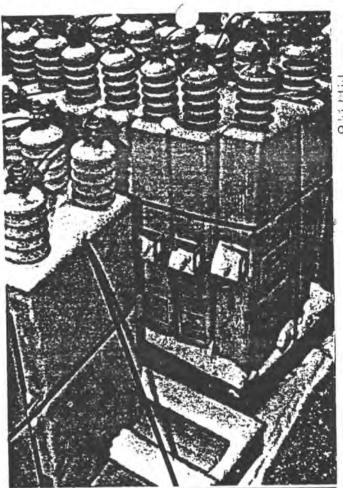
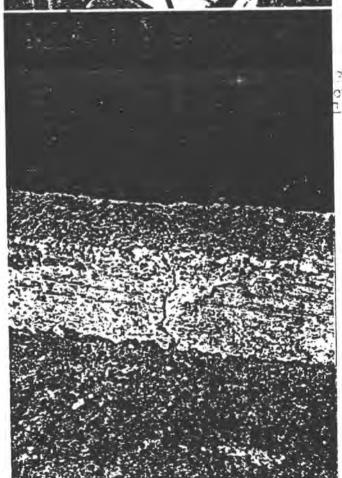


Photo 19. Large vile of 203 contaminated drums in drum storage warehouse at Rose Memical

Photo 20. Showing how drums were stacked on ramp (=curbing) in drum storage warshouse.



Thoto 25. Same canacitom shown in Photo 22 and other capacitors on pallet. The POS marks on all the capacitors were less than 6" K 6".



Thoto 24. Depicts crack starting in curb outside southwest corner of Laboratory.

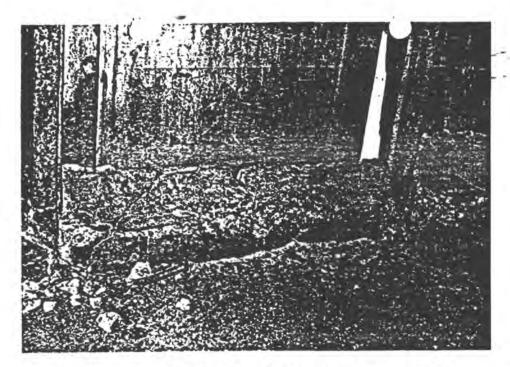


Photo 21. Depicts broken curbing at one of the doors to the drum storage warehouse at Rose Chemical.

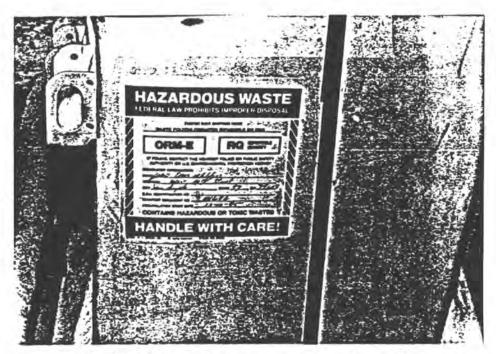


Photo 22. ONI-T label on capacitor in pallet of similar capacitors on dock at Rose Chemical.

US ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

Form Approved

		TOXIC SUBSTANCES CONTROL ACT			OMB No. 2070-0007 Approval expires 8-31-85				
		NOTICE OF INSPECTION		NSPECTION	07-80-T-190				
	INVESTIGATION IDENTI		2. TIME	3. FIRM NAME MARTHA C. RUSE CHEMICAL	5 1410				
DATE /	INSPECTOR NO.	DAILY SEQ. NO.	10:00	FCB DIVISION	s, /wc.				
4. INSPECT	OR ADDRESS		10.4.2	5. FIRM ADDRESS					
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Varia	s City KS 6610	o./		HULDEN, No 64040	- · · ·				
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REASON FOR INSPECTION									
	Under the authority of Section 11 of the Toxic Substances Control Act:								
X	For the purpose of inspecting (including taking samples, photographs, statements, and other inspection activities) an establishment, facility, or other premises in which chemical substances or mixtures or articles containing same are manufactured, processed or stored, or held before or after their distribution in commerce (including records, files, papers, processes, controls, and facilities) and any conveyance being used to transport chemical substances, mixtures, or articles containing same in connection with their distribution in commerce (including records, files, papers, processes, controls, and facilities) bearing on whether the requirements of the Act applicable to the chemical substances, mixtures, or articles within or associated with such premises or conveyance have been complied with.								
	In addition, this inspection extends to (Check appropriate blocks):								
		cial data		D. Personnel data	•				
	B. Sales o	lata	•	☐ E. Research data					
	C. Pricing	g data							
	The nature and extent	of inspection of s	uch data specifie	d in A through E above is as follows:					
INSPECTOR	SIGNATURE			RECIPIENT SIGNATURE					
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US ENVIRONMENTAL PROTECTION AGENCY, WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approval expires 8-31-85

07-86-7-190

TSCA INSPECTION CONFIDENTIALITY NOTICE 2. FIRM NAME C. ROSE CHEMICALS, INC. 1. INVESTIGATION IDENTIFICATION DAILY SEQ. NO. INSPECTOR NO. FCB EnvisiON 01 1781 3. INSPECTOR NAME 500 W. MCKISSOCK DAVID A. RAMSCY HULDEN, MO 64040 5. INSPECTOR ADDRESS 126 MINNESOTA KANSAS CITY KS 66101. 6. CHIEF EXECUTIVE OFFICER NAME Waren C.

TO ASSERT A CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during inspection of the facility above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the Administrator of the Agency determines that the data contain information entitled to confidential treatment or may be withheld from release under other exceptions of FOIA.

Any or all the information collected by EPA during the inspection may be claimed confidential if it relates to trade secrets or commercial or financial matters that you consider to be confidential business information. If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of confidential business information. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information you have claimed as confidential business information.

A confidential business information (CBI) claim may be asserted at any time. You may assert a CBI claim prior to, during, or after the information is collected. The declaration form was developed by the Agency to assist you in asserting a CBI claim. If it is more convenient for you to assert a CBI claim on your own stationery or by marking the individual documents or samples "TSCA confidential business information," It is not necessary for you to use this form. The inspector will be glad to answer any questions you may have regarding the Agency's CBI procedures.

While you may claim any collected information or sample as confidential business information, such claims are unlikely to be upheld if they are challenged unless the information meets the following criteria:

1. Your company has taken measures to protect the confidentiality of the information, and it intends to continue to take such measures.

- The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
- The information is not publicly available elsewhere.

RESIDENT

Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is confidential business information.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the-receipt for documents, samples, and other materials to the Chief Executive Officer of your firm within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive confidential treatment.

The statement from the Chief Executive Officer should be addressed

10: FUIA OFFICER - EPA 726 MINNESOTA

KANSAS CITY KS 66101

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this Notice. Claims may be made any time efter the inspection, but inspection data will not be entered into the special security system for TSCA confidential business information until an official confidentiality claim is made. The data will be handled under the agency's routine security system unless and until a claim is made.

have received and read the notice	RECEIVING THIS NOTICE:	If there is no one on the premises of the facility who is authorized to make business confidentiality claims for the firm, a copy of this Notice and other inspection materials will be sent to the co-pany's chief executive officer. If there is another company official who should also receive this information, please designate below.		
SIGNATURE		NAME /////		
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NAME //////		TITLE		
TITLE	DATE SIGNED	ADDRESS		
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SEPA

US ENVIRONMENTAL PROTECTION AGENCY : WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved
OMB No. 2070-0007
Approvel expires 8-31-85

DECLARATION OF CONFIDENTIAL BUSINESS INFORMATION 2. FIRM NAME 1. INVESTIGATION IDENTIFICATION MARTHA Co Rose CHEMICALS, INC. INSPECTOR NO. DAILY SEQ. NO. DIKISION NSPECTOR ADDRESS 726 MINNESOTA W. McKissock HULDEN, MO 64040 KANSAS CITY, KS 66101 INFORMATION DESIGNATED AS CONFIDENTIAL BUSINESS INFORMATION NO. DESCRIPTION NONE CLAIMED

ACKNOWLEDGEMENT BY CLAIMANT

The undersigned acknowledges that the information described above is designated as Confidential Business Information under Section 14(c) of the Toxic Substances Control Act. The undersigned further acknowledges that he/she is authorized to make such claims for his/her firm.

The undersigned understands that challenges to confidentiality claims may be made, and that claims are not likely to be upheld unless the information meets the following guidelines: (1) The company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures; (2) The information is not, and has not been reasonably attainable without the company's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding); (3) The information is not publicly available elsewhere; end (4) Disclosure of the information would cause substantial harm to the company's competitive position.

INSPECTOR SIGNATURE	5	CLAIMANT SIGNATURE	2000
DAVIO A. RAMSCY		PATRICK PERRIN	
TITLE	DATE SIGNED	PLANT MANAGER	12/14/85
			tricke officer are a

SEPA

US ENVIRONMENTAL PROTECTION AGENCY , WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approval expires 8-31-85

TOXIC SUBSTANCES CONTROL ACT

RECEIPT FOR SAMPLES AND DOCUMENTS 07-86-5-190 2. FIRM NAME C. Rose CHEMICALS, MC. 1. INVESTIGATION IDENTIFICATION DAILY SEQ. NO. INSPECTOR NO. DIVISION W. Mckissex 500 726 MINNESOTA Holow, Mc 64040 KANSAS CITY, KS 66101 The documents and samples of chemical substances and/or mixtures described below were collected in connection with the administration and enforcement of the Toxic Substances Control Act. RECEIPT OF THE DOCUMENT(S) AND/OR SAMPLE(S) DESCRIBED IS HEREBY ACKNOWLEDGED: DESCRIPTION NO. PHOTOS BLUEPRINT OF HOLDEN RANT Durlicate OF PHOTOS REQUE OPTIONAL: DUPLICATE OR SPLIT SAMPLES: REQUESTED AND PROVIDED INSPECTOR SIGNATURE

/ U.S. ENVIRONMENTAL PROTECTION / 'NCY TSCA INSPECTION SUMMARY OF OBSERVATIONS

N . and Address of Incheston(s)	Name and Address of Facility
Name and Address of Inspector(s)	MARTHA C. Rose CHEMICALS INC.
DAVID A. RAMSCY	PCB DIVISION
į	500 W. McKissock
Fruitzanantal Ductoction Agency	300 W. Wickinson
Environmental Protection Agency Toxics and Pesticides Branch	HOLDEN, MO 64040
726 Minnesota Avenue	Chief Executive Officer of Firm
Kansas City, Kansas 66101	111
	WALTER C. CAROLAN
Name of Individual to Whom Notice	Title
Given	PRESIDENT
Para de la companya della companya d	
Title PERRIN Date /	Address
Title	SAME
PLANT MANAGER 12/19/85	CAMIC
The following mesible deviations from	m the requirements of the Toxic Substances
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1) BROKEN & CRACKED CURBING	IN BOTH MAIN WAREHOUSE AND
	•
DRUM STORAGE WAREHOUSE.	
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2) PCB CONTINUENS CENTURY	
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This summary of observations is provided to bring to your attention those areas of concern at the earliest possible time. It is not intended to be a complete list of deviations from the requirements of the Toxic Substances Control Act and regulations promulgated thereto, but rather a list of those conditions of immediate concern and/or those readily apparent. If you have any questions regarding this summary, please contact the Toxics and Pesticides Section at $\frac{816}{374-3036}$. $\frac{913}{236-2836}$

The undersigned acknowledges having received and read a copy of this TSCA Summary of Observations.

Wratrick?	2020	SPANT MANAGE	£	12/19/85
Signature		Title		ate / , ' ,
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Signature of Inspe	ector /	Title of Inspector	De	ate / /
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Yellow - Facility Copy
Pink - Inspector's Copy

	US ENVIRONI		ECTION AGENCY	11. Facility Name (Rose CHEMICALS, INC.			
SEPA TOXIC SUBSTANCES CONTROL ACT			PCB DIVIS	C PERSE CHEN	acres, inc.		
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IOHN ASHCROFT Governor

FREDERICK A. BRUNNER

Director



Division of Energy Division of Environmental Quali Division of Geology and Land Sur Division of Management Service Division of Parks and Historic Preservation

STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES

MEMORANDUM

CONFIDENTIAL

DATE:

September 20, 1985

TO:

File

FROM:

Don W. Boos D

SUBJECT: Martha Rose Chemical, Holden

At approximately 1 p.m. on September 18, 1985, a meeting was held in the offices of Arrowhead Real Estate, Holden, Missouri, a business where the town Mayor is employed.

The meeting initially started with the following parties present:

Francis Billhart C. Jon Hinkel

Mark L. Billingsley

Steve Feeler Don Boos

Mayor of Holden

Department of Health, Cameron Employee of Rose Chemical

MDNR, Air Pollution

MDNR. Water Pollution

Later, Jim McConathy and John Scoffield of the Kansas City Regional Office came (about 2:20 p.m.).

Mark Billingsley reported that he has worked at Rose Chemical two weeks and is a reactor operator (works in room where PCB oil and sodium are mixed and heated). Mark reported that this morning he was told to put new '84 labels on '83 drums and move the '83 labels to drums further up toward the front of the building, this to save the company from having to move piles of barrels to get to old inventory that needed to be disposed of or treated. He kept an inventory (secretly) of the inventory numbers of retagged barrels and had also taken a blank drum tag; he provided us a copy (see attachment). He said he knew it wasn't right, but was directed firmly to do it. He said he's out of the plant now on the pretext of ironing out troubles at the bank and doesn't want Rose to find out he was with us. Mark also said that although this was the first time he's ever been asked to move labels on drums, he'd heard several fellow employees discuss

WERCH. DOT MINISTIVE"

doing this. He said that as he understood it the barrels_contained_core paper from transformers that were to be shipped out Tor processing or incineration. Mark gave his contact information to this investigator (700 South Market, Holden, Missouri, 816/732-4903).

Mayor Brillhart said that Ralph Cole or Ralph Cole, Jr., (both worked at Rose) had reported to him that they had moved labels before. He said the Chisler boy, Rob, had also told him this (Rob lives with his mother, the City Collector).

Mark said that Francis Parsons, the foreman, had directed him to switch the labels, but that he heard Pat Perrin tell Parson's to have the switching done.

The Mayor then stated that there were some pretty bad characters that work at Rose. He said that Pat Perrin, the plant manager, broke a man's jaw recently and also recently the Police Chief took an unregistered concealed gun off Mr. Perrin while investigating a domestic dispute. Perrin is reported to carry this weapon in the plant most of the time. He went on to describe how Francis Parsons, the foreman, admitted to the murder and rape of an 80-year-old woman, but got off on a legal technicality. He also said Parsons is currently under investigation for child molestation.

The Mayor said the plant only employees sixty (60) people, but they have a six hundred (600) per year turnover rate. He said the whole area of Holden has been "turned over" along with a lot of transients, but they all complain about conditions and quit shortly after starting.

Mark said that conditions are bad and he doesn't plan to go back. He said he's now worked two weeks without a day off and they work twelve (12) hour shifts. He said a friend of his, Jerry Hallman, who's been employed about seven (7) months has been working twelve (12) hour days for seven (7) weeks with not one day off; this includes weekends (Hallman lives at Route 1, Chilhowee, 816/653-4523). Mark also said he and Hallman both have been plagued for a week or so with persistent diarrhea, but isn't sure why. Mark had no knowledge of any "batch dumps", except he said you hear all kinds of stories around there. He said there are so many drums that almost all the fire lanes are too narrow to allow a fork lift easy access. He's also concerned about drums that are held over the deadlines when they "move labels, not drums."

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The Mayor then stated that he worked at Bendix for 31 years, but never did he smell odors such as come from the plant some days. He said it's been reported that they burn oil-soaked paper, but he's never seen this and he's heard so many rumors he's near "gun shy". He said he's heard that Walt Carolyn, the owner of Rose, is buddies with EPA's Morris Kay. He said that if EPA is notified so is Mr. Carolyn and that makes violations harder to catch. Mark Billingsley stated that with the recent publicity a lot of cleaning up has already been taking place at the plant.

The Mayor then picked up the phone and dialed Ralph Cole, Sr., (RFD #2, Holden, 816/732-6529) and told me to talk to this man. While I was questioning Mr. Cole he related the following information/hearsay. Ralph said that he had worked in the "reactor" area and was more or less confined within the plant. This inhibited his looking around to any great degree. He did state that the reactor isn't hooked up right and they often had to "shut down" in his area due to the fumes. he said that a lot of times these fumes could be smelled in town. He reported that Mr. Jim Courtney or his son, Ralph Jr., would know more than he. The nature of their jobs took them over the whole plant. Jim Courtney was a maintenance worker up until a few weeks ago when laid off. Although Ralph had never heard of any basement, he said if one's there Courtney should know. He said Jim can be reached through "Gillcrests", a factory in Holden; in fact he stated Gillcrests has a lot of Rose ex-employees there and could likely provide a whole list of ex-employees to talk to. He said he believed it was Jim who told him of their closing in a false room with tin (supposed to be accessed only from the outside at north end of building). Reportedly this room was built to stack transformer cores and they were loosely stored in paper bags or "feed sacks" clear up to the roof. This room supposedly is in the NW corner of the building. he said they made the room to hide the improperly stored cores from EPA. He said Courtney also spoke of the company's having for several months used blow torches to cut the tops off of the transformers, a practice he felt was quite dangerous. He reported that he had never seen weapons carried in the plant - except that his son had as he was fearful of some of those involved; he referred to some of the men as "Parson's buddles".

Mr. Cole said a David Hensley, who "drifts around" Holden, worked at Rose a while and may be of help.

Mr. Cole said his son Ralph Jr. has now moved to Indiana and works for Frito-Lay. He said Jr. can be reached at 317/654-7213, a

residence of a family named Smith. His son reported that the firm was disposing of core paper by sneaking it into big wooden crates that are supposed to be filled only with contaminated soil and rock. Instead of using the drums, they put the cores in the center and surround them with a foot or so of dirt and then haul them to burial sites. He said his son also reported that the glassware off the top of the capacitors is not properly cleaned, but rather tossed in the trash dumpster out in back of the plant. The dumpster is emptied by the City Trash Service, dark blue garbage trucks out of Warrensburg Billingsley said this is "Toni's Trash Service". His son also reported that they "doctor" the books, that they have to do so because they have too much stuff that should have been processed, but wasn't. His son supposedly gave a multipage (7?) deposition to EPA on Rose's practices.

After this phone conversation, I then resumed again to talk to Mark Billingsley. Mark said he had returned a short time ago from California where he was employed as a truck driver. Mark said he's heard that a lot of small spills occur outside the plant. When this occurs, they dig up the soil and put it in buckets. He said he's been told that these uncapped buckets often sit around outside, fill up with rainwater and run over onto the ground. He said that although the plant processes oil, it cannot process or clean the core papers; these he said are to be incinerated elsewhere. Mark said he's seen a walled-in false room on the back (north) side of the plant and tried unsucessfully to locate the access. He said he's heard there may be a room or basement below the plant where dirt and gravel are mixed and shipped out. (Aside: a door to any secret room could be located in the basement and come up through the floor via stairs).

The most nebulous allegations tend to surround the dumping of PCBs to the city's wastewater treatment plant. The Mayor stated that people feel this is done during rainfalls, but no real specifics are at this time known. The Mayor said he used to own downstream property, but he sold it a while back. He said the stream used to support life, but now doesn't; he said he's seen dark sludges in the stream. He said a couple, whose names he cannot recall, came to look at his property when it was for sale. He said the couple's children played and waded in the creek and that they later called from Kansas City to inquire as to what was in the creek; they said it made the kids feet "red and itchy". He said Jackie Hobbs (RFD \$4, Holden, 816/732-4279) has reported cattle dying and calves that were stillborn. This man apparently associates the creek with these occurrences.

Mark Billingsley had no information on napalm allegations (KC News article). He said you'll hear a lot about Rose and its difficult to sift the fact from the fiction. The Mayor then said that three city officials had personally seen a napalm bomb inside the factory; those were the Police Chief, Bill Scott; the Fire Chief, Ray Day; and the Ambulance Director, Chuck Ferguson. The Mayor then dialed the Police Chief and handed me the phone. Mr. Scott verified he had seen the bomb on a plant safety inspection. He said Pat Perrin, the plant manager, had identified it as a napalm bomb, but said it was empty. He said Pat screwed the top off and it did appear to be empty. The bomb, he said, was stored in the main body of the plant, against the wall near the entry to the "PCB Area".

As we left the Mayor's place of business, Mark commented that he felt Jim's (McConathy's) warrant would be needed to get into the factory.

Steve Feeler also reported that while I was on the phone the Mayor told the group he had gotten at least one anonymous threatening call to the effect that if he didn't "turn down the heat, he would be iced!"

Jim McConathy and John Scoffield then proceeded to the plant to do the inspections, while Steve Feeler and I proceeded to the city's wastewater treatment plant to collect sludge/sediment samples for PCB analysis. At the plant we met Keith Council, operator, (who works under Tony Lerda, the Superintendent. Keith said that Tony was recently refused entry into the Rose Plant when he went to investigate a tenfold (120,000 gallon/? to 12,000/? drop in water use at Rose over 3-month period of time. They said that to let him in would require shutting down the entire plant. This, he said, was hard to understand.

Keith stated that the sludge currently on the drying beds has been put on since April '85, but he wasn't sure of the exact date; he said Tony Lerda may know from the records. A sample of each of the sludge beds was taken by compositing six approximately equal volumes from each of the two beds at a 1" to 6" depth, mixing in a teflon coated bucket and transferring to hexane rinsed jars. A sludge sample was also obtained from the pipe where primary sludge enters the digester in order to access any current PCB levels entering the plant. A sample was also taken of the stream sediments where the secondary containment basin of Rose would discharge down an intermittent tributary above the wastewater treatment plant. I should note that the sludge bed samples left oil-like streaks in the Teflon bucket and these were difficult to rinse out without scrubbing.

"ENFORCEMENT SENSITIVE"

The stream at the treatment plant was evaluated for sampling, but no samples were taken due to the near impossible conditions for such. It was noted that while a few standing pools just above the plant contained frogs and life forms that were possibly crawfish, the creek at the outfall to the plant was in a deplorable condition. The creek was very blackened, as dark as any stream I've ever seen. Sludge solids were visible on the sides of the stream in small islands trapped by the weeds. I could see about 50 yards or so downstream and the stream seemed to be black as far as I could see. If the conditions at the plant are such that this happens with any frequency, I'm not surprised the creek is devoid of life. While I did not do a plant inspection, general conditions in the plant seemed to indicate a routine maintenance program with the main systems functional. For some reason, it appears the sludge wasn't settling properly and solids were escaping -- and had escaped much worse earlier.

Photos were taken of the Rose plant, as seen from the Holden Wastewater Treatment Plant, of the stream at the Holden Sewage Treatment Plant outfail, of the Rose Chemical plant as viewed south to north from across Second Street (Highway 58) and of the Rose Chemical plant as seen north to south from the adjacent rail line.

DWB:rc

cc: Darrell Osterhoudt, Project Coordinator

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JOHN ASHCROFT Governor

FREDERICK A. BRUNNER Director



Division of Energy Division of Environmental Quality Division of Geology and Land Surve Division of Management Services Division of Parks and Historic Preservation

STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES

MEMORANDUM

DATE:

October 22, 1985

TO:

File - Rose Chemical Company

FROM:

Don W. Boos, Environmental Specialist, WPCP

SUBJECT: Field Notes from October 2, 1985 Sampling Trip

With Larry Alderson, LSP

This memo is designed to serve as a repository of facts related to the sampling event which can be confused or lost if not written down somewhere.

As to sludge application sites, we were escorted to these sites by Mr. Ivan Tompkins of O & M Enterprises, who operate Holden's STP. Mr. Tompkins lives at R2, Holden, Missouri (phone 816/732-4896).

The sites were originally numbered 1-6 and to avoid confusion this will remain unchanged. The attached county road map is used to designate the location of sites 1-6 (See Attachment A). Site #1 This site was the Gene Bores Farm. At this site sludge was

- applied in 1983 only according to Mr. Tompkins.
- Site #2 This site was a property held by Mr. Tompkins. This site was later deleted and not sampled due to Mr. Tompkins statement that the application here was much lighter and the material more fluid. He said the other sites got far and away the largest applications.
- Site #3 This site was referred to as the (?) Hatfield Farm and was planted in milo crop as I recall. This large field (appeared about 15 acres in size) had sludge applied to it in 1984 and also in 1985.
- Site #4 This site was referred to as the Terry Kennedy property and was as I recall in Fescue Pasture Crop. This site according to Mr. Tompkins was spread in both 1984 and 1985.
- Site #5 This site was referred to by Mr. Tompkins as the Carol Stout Farm. This site received some sludge in 1984 and again an application in the spring of 1985. Mr. Tompkins pointed out the 1985 application was in a strip up the middle of the hay field. One could see a marked difference in the lusher green growth of the hay crop in the streaked area in mid field where the application occurred. These green strips were sampled.

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File - Rose Chemical Company October 22, 1984 page two

Site #6 This site was, like #2, property held by Mr. Tompkins. The site was planted in what appeared to be winter wheat and had a thick to sparse growth of new shoots in rows across it. This site had had sludge applications, in 1984 and also in the spring of 1985.

Another point worth clarification is the sewer manholes as sampled at and near Rose Chemical. Attachment B is a sketch of the outlay of the sewers with corresponding sample numbers.

A final note worth making is in regards to the samples taken in Section 35, T 46 N, R 28 W, (#85-7581 - #85-7584). The farmer on the property was Mr. Hobbs, the same Mr. Hobbs, Mayor Brillhart had reported losing cattle and suspecting PCB's in the Creek (phone 732-4279). I took the opportunity to discuss the more specific nature of his complaints. Mr. Hobbs said he suspects his primary problem may have been with the PBC processor in Kingsville, a place he referred to as Mallison's and M&M Disposal. He said in April or May of 1985, he had two cows come "down in the front" end, the "...older one real bad." He said his veterinarian, Jim Wright, out of Harrisonville, first thought it was grass tet, but the treatment brought no response. He said the vet then treated the older cow for poisoning and she did finally respond. He said he thought it was for nitrite that he treated her. He said the next morning he had a still born calf that the vet said had absorbed the poison. He said he later had another deformed calf born and then lost another calf.

He said that at his other place (he has one on the east and west branches of Pin Oak as I recall) he also lost three calves. He said the drainages are from both of these companies that process PCB's.

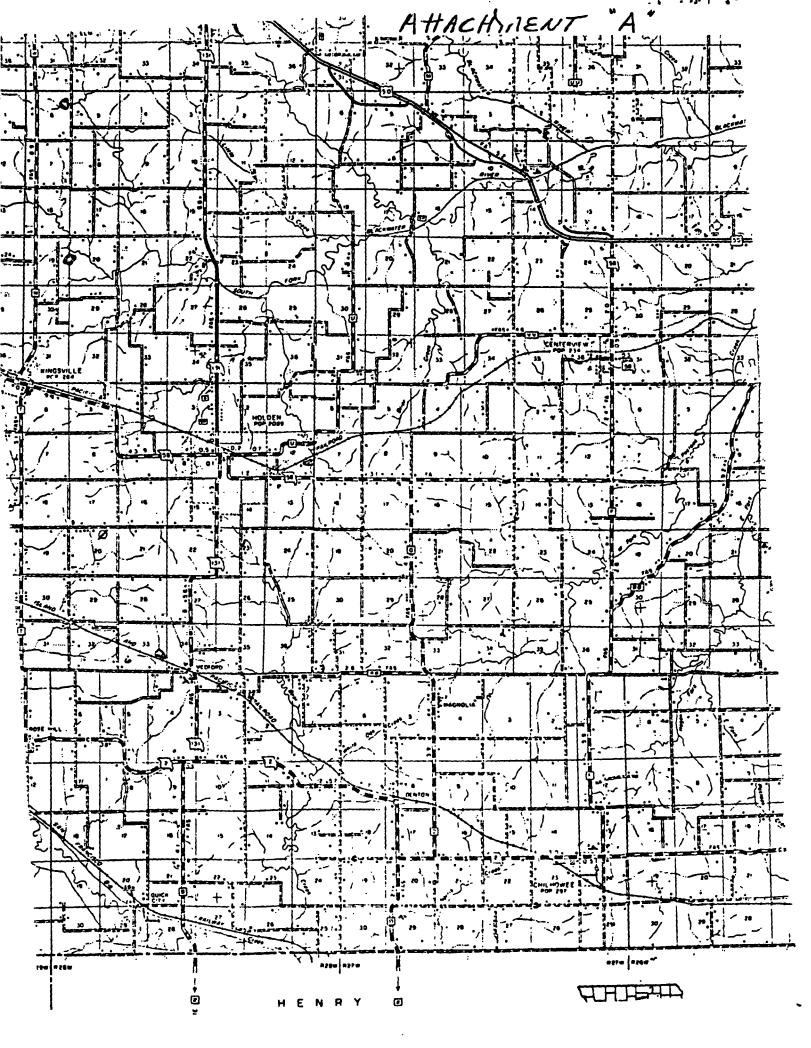
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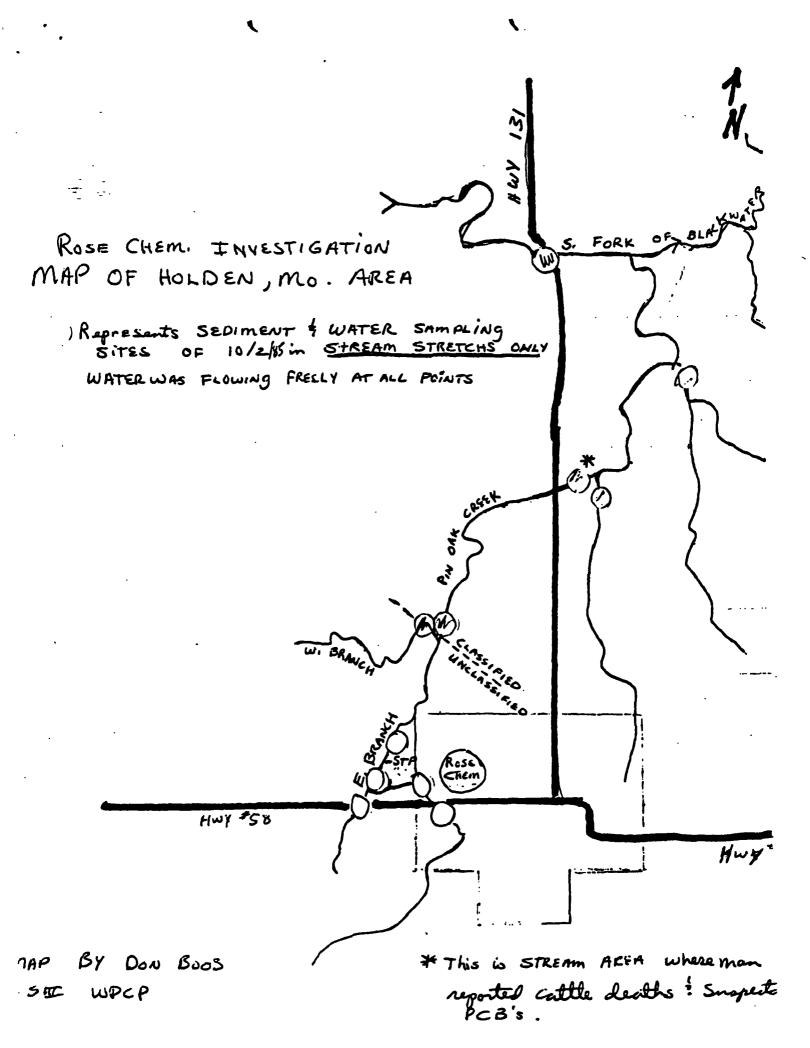
"ENFORCEMEN' SENSITIVE"

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FOIA Exemption 5, 7(e)

March 17, 1986

Manila Sile

Robert G. Ulrich United States Attorney Western District of Missouri 811 Grand Avenue Kansas City, Missouri 64106

Dear Mr. Ulrich:

On March 5, 1986, EPA served an administrative subpoena duces tecum on Walter C. Carolan, President, Martha C. Rose Chemicals, Inc., 2459 Charlotte, Kansas City, Missouri. He was ordered to appear and present documents on March 10, 1986, at 9:00 a.m. He has refused to comply with the subpoena. A copy of his refusal, by counsel, is anclosed.



If you have any questions please contact Henry F. Rompage of my staff, at 236-2853.

Sincerely yours,

David R. Tripp Regional Counse

Enclosure

U.S. Attorney's Office, Rm. 549 U.S. Courthouse, 811 Grand Kansas City, Missouri 64106

CNSL-HFRompage:emm-3/14/86-Disk TSCA 2-9

CONCURRENCES

THE STORY THAT OFFICIAL FILE COF

TELEPHONE CONVERSATION RECORD DATE OF CALL: _ TIME OF CALL: PERSON CALLING: Tim (2) PERSON ASKED FOR: DISCUSSION:

SPENCER, FANE, BRITT & BROWNE

JAMES T. BRITT JOSEPH J. KELLY, JR. WILLIAM H.WOODSON = + ROBERT P. LYONS RICHARD H. SPENCER BONALD W. GIFFIN . . LOWELL L.SMITHSON JAMES R.WILLARD GAD SMITH #0 EDWARD A.SETZLER RICHARO W. BCARRITT JACK L. WHITACRE BASIL W. KELSEY ** JEROME T. WOLF ** MENDEL SMALL

JAMES M. WHITTIES to JAMES G. BAKER JACOB F. MAY, JR. .. CARL H. HELMSTETTER E.J. HOLLAND, JR. JAMES W. KAPP, JR FRANK B.W. McCOLLUM JAMES R. HUDEK STANLEY E.CRAVEN RONALD L.LANGSTAFF SANDRA L.SCHERMERHORN MICHAEL C. HIRK MICHAEL F. DELANCY I. EDWARD MARQUETTE CURTIS E.WOODS

CHARLES S. SCHNIDER **

OF COUNSEL

1000 POWER & LIGHT BUILDING 106 WEST 14TH STREET KANSAS CITY, MISSOURI 64105-1974 TELEPHONE (816) 474-8100 TELEX 43-4345 TELECOPIER (816) 474-3216

KANSAS OFFICE SUITE BOO, 40 CORPORATE WOODS 940: INDIAN CREEK PARKWAY P. O. BOX 23407 OVERLAND PARK, KANSAS 66225-5407 (913) 345-8100 OR (816) 474-8100

> BYRON SPENCER 1893-1964 IRVIN FANE 1904-1982 MARRY L. BROWNE 1911-1945

RUSSELL W. BAKER, JR. J. NICK BADGEROW . DAVID D. GATCHELL TERRY W. SCHACHMANN .. SCOTT J. GOLDSTEIN MARK P.JOHNSON JAMES T, PRICE SEORGAMM M. EGLINSKI ++ BRUCE E. CAVITT ... BICHARD M. MERTEL O ROBERT B. TERRY THOMAS M. WELSCH .. WILLIAM C. MARTUCCI JOHN L.UTZ

SHIPLEY EDMONOS-GOZA MICHAEL F. SAUNDERS MARE A. THORNHILL DAVID L.WING .. JAMES A. SHYDER DAVID A. SOSINSKI PAMELA A. ALEXANDER L. CAMILLE HEBERT .. JOHN M. MAY . . GREGORY C.LAWHON BRIAN M. DUNN JOEL B. LANCE DAVID V. KENNER CAROL WOODLEY TRAUL ..

ADMITTED IN KANSAS

* * ADMITTED IN HANSAS AND MISSOURI ALL OTHERS ADMITTED IN MISSOURI

PLEASE REPLY TO THE MISSOURI OFFICE

FILE NO.

3816300-1 March 7, 1986

REC'D.

MAR U 7 1986

CNSL AIR E MAIER

Hand Delivered

Henry F. Rompage, Esq. Office of Regional Counsel United States Environmental Protection Agency 726 Minnesota Avenue Kansas City, Kansas 66101

Notification of exercise of option to respond to subpoena duces tecum by mail; In the Matter of Walter C. Carolan; TSCA Docket No. VII-86-T-190

Dear Henry:

The purpose of this letter is to notify you that Walter C. Carolan has chosen the option of responding to the subpoena duces tecum by mail. In accordance with your letter of March 3, 1986 to Walter C. Carolan, I called you on March 6, 1986 to inform you that such election had been made.

Walter C. Carolan's response to the subpoena duces tecum will be hand-delivered to you on March 10, 1986.

In our telephone conversation of March 6, 1986, we also discussed a meeting between the EPA and Martha C. Rose Chemicals. Inc. and I confirmed that said meeting is scheduled for March 12, 1986 at 10:00 a.m. at the offices of the EPA. I requested that, if possible, Morris Kay attend the meeting. You indicated that Morris is presently out of town and will not return until Monday, but that you will notify him of said request on Monday.

If you have any questions, please do not hesitate to contact me.

ENFORCEMENT SENSITIVE"

SJG:sl
cc: Walter C. Carolan

Scott J. Goldstein

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CERTIFICATE OF SERVICE

I hereby certify that on March 5, 1986, at approximately 10:10 a.m. I hand-delivered one copy of a subpeona, dated March 4, 1986, Docket No. VII-86-T-190, to Mr. Scott Goldstein. This subpeona was a copy of the subpeona delivered to Mr. Walter C. Carolan. Mr. Goldstein was present at his office located at Room 900, 106 West 14th Street, Kansas City, Missouri.

- (xnenery) sistance

Date

3-*15-86*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

FOIA Exemption 5, 7(e)

March 4, 1986

MEMORANDUM

DATE:

Request for Signature on Attached TSCA Subpoena to Martha C. Rose Chemicals

FROM:

David R. Tripp Monthly Regional Counsel

and Awilliam A. Spratlin, Jr. Jul 10 Director, Air and Toxics Division

TO:

Morris Kay

Regional Administrator





ORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENC REGION VII 725 NINNESOTA AVENUE

IN THE MATTER OF A SOLD WISCASDOCKETING AVII-86-T

Walter Ol Carolan 6 1 Kansas Gify (Missour)

YOU ARE HEREBY COMMANDED Dursuant to Munited States Code Section 2610(c) a Toxic Spostances Control Act & Section 11(c) TO APPEAR IN PERSON at the ollowing place aprehenfollowing 1

A TIME TO NATCH 10 31986 1 9

nd/oracopying athose on the attached page.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN COURT: ACTION AGAINST YOU.

Issued at Kansas City, Kansas,

Morris Kay, Regional Administrator U.S. Environmental Protection Agency Kansas City, Kansas

SWORN AND SUB	SSCRIBED TO before me, the undersign	ed Notary Public on this	
day of	, 198	• •	
		•	
(SEAL)	NOTARY PUBL	IC in and for the State of	•
	•	residing at	

DEFINITIONS

- 1. "Records," as used in this subpoens includes, but is not limited to, documents, receipts, purchase orders, bid applications, contracts, invoices, shipping manifests, office memos, transcripts, telephone memos, letters, notes, and/or computerized data. This definition includes any records in your personal possession.
- 2. Any words used in this subpoena that are defined in 40 C.F.R. Section 761.3 shall have the same definition as is provided in that section.

Attachment to Subpoena

For purposes of assisting EPA in determining whether Martha C. Rose Chemicals, Inc., will meet its obligation under the closure plan of October 1, 1985, and under the PCB regulations promulgated pursuant to TSCA, provide the following information and documents, to be brought with you at the time and date required above.

- Names and addresses of all companies owned by you, or in which you have a financial interest, or from which you currently, or since January 1, 1983, have derived direct financial benefit.
- Records reflecting the length of time you have operated or did operate any and all businesses identified in no. 1 above.
- All records involved in, or which reflect transactions by you or any company owned by you or from which you derive direct financial benefit for storage or shipment of oily liquids containing any level of polychlorinated biphenols (PCBs), which occurred at any time after January 1, 1983.
- All records involved in, or which reflect, transactions in which you, or any entity listed in no. 1 above, acquired oil and oily substances (including PCBs) from any generator or transporter after January 1.
- 5. All records reflecting the use, storage and disposal of all transformers as defined in 40 C.F.R. Part 761.3 and all liquid PCBs by you or any of the entities listed in no. 1 above after January 1, 1983.
 - 6. All records which reflect every instance in which you, or any entity listed in no. 1 above, removed or drained any oil from PCB contaminated equipment such as transformers or capacitors after January 1, 1983.
- 7. All records which contain or reflect communications between yourself, or any entity listed in no. 1 above, and any entity from which you obtained transformers or capacitors or other PCB items after January 1, 1983.
- 8. All records reflecting the use, storage, and disposal of any transformer, or transformer components or capacitors or other PCB items such as copper, scrap metal or oil, by you or any of the entities listed in no. 1 one above, after January 1, 1983.
- 9. Any and all records reflecting the sale of any transformer or transformer components or capacitor or other PCB items

- 10. Records showing the name and address of each person to whom you, or any of the entities listed in no. 1 above, sold or transferred the items listed in no. 9 above.
- 11. Any and all compliance orders, settlement agreements, consent orders, or other similar agreements between you or any other entity listed in no. I above, and any state, local, or federal agency, with the exception of Environmental Protection Agency, or commission, or similar entity relating to violations of environmental laws or regulations.
- 12. Identify any and all payments of any kind, including rent, by Martha C. Rose Chemicals to any of the entities listed in no. 1 above.
- 13. Provide all financial information, including income tax returns, on all income earned by Martha C. Rose for the fiscal years of 1982, 1983, 1984, and 1985.
- 14. Provide all financial information, including income tax returns, on all income earned by all the entities listed in no. 1 above, for the fiscal years of 1982, 1983, 1984, and 1985.
- 15. Provide all financial information on the transfer of any funds, in whatever form and by whatever means; to any and all of the entities listed in no. I above.

March 3, 1986

Walter C. Carolan 2459 Charlotte Kansas City, Missouri 64101

Dear Mr. Carolan:

Re: OPTIONAL ANSWER TO SUBPOENA DUCES TECUM BY MAIL

You have been served with an Environmental Protection Agency (EPA) administrative subpoens duces tecum issued pursuant to the Toxic Substances Control Act (TSCA), 15 U.S.C. §2601 and following sections. Authority to issue a TSCA subpoens is found at Section 11(c) of the Act, 15 U.S.C. 2610(c), which authorizes issuance of a subpoens requiring attendance, testimony and the production of documents. It also authorizes that, in the event of a failure to comply, the Federal District Court shall have jurisdiction to order compliance.

EPA hereby offers to you the alternative of responding to the subject subpoena by mail rather than attending in person and producing records. You would be spared personal inconvenience by electing to respond to the subpoena by mail. However, you must follow carefully the following instructions if you elect to respond to the subpoena by mail:

1. You must telephone the following person promptly and state specifically that you thereby elect to respond to the subpoena by mail rather than in person. You must follow up on that call by sending a letter to the same effect within two (2) working days of the telephone call.

NAME: Henry F. Rompage, Attorney, Office of Regional Counsel, U.S. Environmental Protection Agency

ADDRESS: 726 Minnesota Avenue, Kansas City, Kansas 66101

TELEPHONE: 913-236-2853

2. You must make xerox or photocopies of each record which is in your possession or otherwise available to you,

CONCURRENCES							
SYMBOL							
SURNAME			İ				
DATE							•
EPA E 1320-1 (12.76	<u> </u>			<u></u>		OFFICE	AL BILE CORY

which you believe come within the description set forth in the attachment to the subpoena. You must take care to include all records which the attachment reasonably describes because you could be cited for failure to comply with the subpoena, and could later be subpoenaed again.

- 3. You must then package up those records and mail them or otherwise have them delivered (together with an affidavit) to the person named in paragraph 1 above at the address stated there.
- 4. The affidavit which must accompany the shipped records is attached to these instructions and must be signed and sworn to before a Notary Public. Please take care to read the affidavit carefully and be sure that you understand it before you sign and swear to it.
- 5. The affidavit and all the records must be in the hands of the person named in paragraph I above by the time specified in the subpoena.
- 6. If you claim that some portion of, or all of any record covered by the said subpoena is privileged, this option to respond by mail is unavailable to you, and you must appear in person at the time and place stated.

Sincerely yours,

Henry F. Rompage Office of Regional Counsel

CNSL-HFR:emm-3/03/86-Disk TSCA #2

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY EPA REGION VII AFFIDAVIT RESPONDING BY MAIL TO SUBPOENA DUCES TECUM

DOCKET # VII-86-T-190	<u>-</u>
STATE OF	_ }_
COUNTY OF)ss) I, the undersigned affiant, first being duly
sworn, upon oath, depose an	d say:
1. Attached hereto are	pages of photocopies of documents or records. The
attached pages are true and	correct copies of records which I presently have in
my custody and/or control a	s an interest holder in the following companies at
the address provided:	
	_and the address of which is
and/or are received and/or business and activity of the records are relied upon by affairs. The said records time the events to which the either by the person preparathe information so that such 4. I have made a diligent	search and inquiry for all records which are reasonably
located, I have not been to	o which this affidavit responds. I have not found or ld about, and I have no knowledge of, any records ons set forth in the said subpoena, which have not been with this affidavit.
5. I acknowledge that this with a matter within the ju of fact herein may be a cri	affidavit is submitted to the United States in connection orisdiction of EPA and that any material false statement me under 18 U.S.C. §1001.
DATED:	SIGNED:
	TYPED NAME:
	OFFICER OR TITLE:

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101 (913) 236-2853

IN THE MATTER OF

TSCA Docket No. VII-86-T-190

Walter C. Carolan Kansas City, Missouri

SUBPOENA DUCES TECUM

TO: WALTER C. CAROLAN, KANSAS CITY, MISSOURI

YOU ARE HEREBY COMMANDED, pursuant to Title 15,
United States Code, Section 2610(c) [Toxic Substances
Control Act, Section 11(c)], TO APPEAR IN PERSON at the
following place at the following time:

TIME: March 10, 1986 9:00 a.m.

PLACE: U.S. Environmental Protection Agency, Region VII
Office of Regional Counsel
726 Minnesota Avenue

726 Minnesota Avenue Kansas City, Kansas

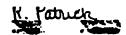
YOU ARE COMMANDED FURTHER TO BRING WITH YOU at the above stated time and place, and then and there produce for inspection and/or copying, those items identified and described on the attached page.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN A COURT ACTION AGAINST YOU.

Issued at Kansas City, Kansas, this Lth day of March 1986.

Morris Kay, Regional Administrator U.S. Environmental Protection Agency

Kansas City, Kansas



FEB 27 1986

REC'D.

BY HAND DELIVERY

7 1986

CNSU AIR & MATER

Mr. Walter C. Carolan Martha C. Rose Chemicals, Inc. 2459 Charlotte Street Kansas City, Missouri 64101

Mr. Scott J. Goldstein
Spencer, Fane, Britt & Browne
1000 Power & Light Building
106 West 14th
Kansas City, Missouri 64105

Re: Martha C. Rose Chemicals, Inc. Holden, Missouri

Dear Messrs. Carolan and Goldstein:

We have been informed that Martha C. Rose Chemicals, Inc., has notified its work force at the Holden, Missouri facility that the facility will cease operations on Friday, February 28, 1986. Information presented by the company in its closure plan of October 1, 1985, and information developed during several recent inspections of the site by Environmental Protection Agency (EPA) personnel indicate that there are large quantities of PCB items on-site, consisting of PCB capacitor core material, PCB oil, PCB transformers, PCB containers, and PCB process equipment which has become contaminated during operational activities. If the facility is to be closed, all PCB material, and all equipment, soil, and other contaminated items at the facility must be appropriately decontaminated and disposed of. The EPA's rough estimates of the cost of closure indicate that over \$500,000 may be required to properly decontaminate and dispose of these materials in accordance with regulations : issued pursuant to the Toxic Substances Control Act (TSCA) (15 U.S.C.A. §2601, et seq.)

Failure to properly dispose of the PCB articles at the facility as required by the TSCA may constitute a violation of law. Also, recent inspections of the facility by EPA personnel indicate that any failure to properly dispose of the PCB articles, and to properly safeguard the facility pending full closure will constitute a threat of the release of those substances

CONCURRENCES						
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into the environment, giving rise to jursidiction under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (40 U.S.C.A §9601, et seq.).

Therefore, pursuant to the authority of TSCA (15 U.S.C.A. §2610) and CERCLA (42 U.S.C.A. §9604(e)), I am requesting that either of you advise this office immediately, in writing, whether, in fact, Martha C. Rose Chemicals, Inc., intends to cease operations at its Holden, Missouri facility, and if so, on what date; whether sufficient personnel will be employed at the site pending permanent disposal of the PCBs located theraon to provide adequate security and to report any accidental release, vandalism, or other threat of release of those substances into the environment; and whether Martha C. Rose Chemicals, Inc., will fully implement and fund the closure plan presented to EPA by letter of October 1, 1985.

Further, EPA expects Martha C. Rose Chemicals, Inc., to comply with its obligations to dispose of the PCBs at the facility in accordance with law, and to meet the technical and financial requirements of the closure plan presented by the company. If you have any information which suggests that any of these requirements will not be met, you should advise EPA immediately.

Your immediate written response to these questions will enable this agency to meet its requirements under law with respect to protection of public health and the environment. Of course, we would be available for discussion with you or your attorneys regarding these and other related matters.

Sincorely yours,

Morris Kay Regional Administrator

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cc: CIGL

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

FEB 13 1986

OFFICE OF THE REGIONAL ADMINISTRATOR

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Walter Carolan 8
Martha C. Rose Chemicals, Inc.
2459 Charlotte Street
Kansas City, Missouri 64108

Dear Mr. Carolan:

NOTICE OF INTENT TO REVOKE APPROVAL

Martha C. Rose Chemicals, Inc., has been issued a transformer processing approval by Region VII which authorized the disposal of polychlorinated biphenyls (PCBs) by alternate methods of disposal pursuant to 40 C.F.R. \$761.60(e). We have inspected your facility or sampled material generated by Martha C. Rose on eight separate occasions. Complaints have been issued and civil penalties have been assessed based on inspections in November 1983 and August 1984. Reports from inspections conducted December 19, 1985, and January 7, 1986, are undergoing review to determine if further actions are warranted.

We have sampled metal processed under the transformer processing approval issued to Martha C. Rose Chemicals, Inc. The samples were collected at a salvage facility which had purchased the sampled metal from Martha C. Rose Chemicals, Inc. Sample analyses indicated that the 0.01 milligram per 100-square centimeter swab limits for smooth metal specified in the approval have been exceeded. The above inspections and the sample analyses indicate that activities not complying with the PCB Rule or the approval conditions are continuing.

Although the latest Consent Agreement entered into by Martha C. Rose Chemicals, Inc., and EPA did provide certain time periods to submit a new transformer processing application for approval and to install a new inventory control system, it did not allow the noncompliant activities noted above.

The transformer decontamination process approval states: "This Approval may be withdrawn or the conditions for approval may be amended any time the EPA has reason to believe the operation of this processing method poses an unreasonable risk of injury to health or the environment."

Based on the facts presented above, EPA has determined that continued operation under this approval at this facility, as currently operated, does pose unreasonable risk. Therefore, EPA does hereby inform you of its intent to revoke the transformer processing approval.

By March 15, 1986, you are to correct all noncompliant activities and be in complete compliance with the PCB Rule and the conditions of the approval. You are to contact Ruben McCullers, Toxics and Pesticides Branch, at (913) 236-2835, or Henry Rompage, Attorney, at (913) 236-2853, within five (5) days of receipt of this letter to discuss corrective action. If, by March 15, 1986, you have failed to demonstrate complete compliance the approval will be revoked.

This Notice of Intent to Revoke Approval issued to Martha C. Rose Chemicals, Inc., does not preclude EPA from taking further appropriate enforcement action.

If you have any questions concerning this matter, please contact Ruben McCullers or Henry Rompage, the members of my staff most familiar with this subject.

Sincerely yours,

(Morris Kay

Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OFFICE OF THE REGIONAL ADMINISTRATOR

Mr. Walter Carolan Martha C. Rose Chemicals, Inc. 2459 Charlotte Street Kansas City, Missouri 64108

Dear Mr. Carolan:

NOTIFICATION OF STATUS OF THE OIL DETOXIFICATION APPROVAL

Martha C. Rose Chemicals, Inc., has been issued an oil detoxification approval by Region VII which authorizes the disposal of polychlorinated biphenyls (PCBs) by an alternate method of disposal pursuant to 40 C.F.R. \$761.60(e). We have inspected your facility on five separate occasions. Complaints have been issued and civil penalties have been assessed based on inspections in November 1983 and August 1984. Reports from inspections conducted December 19, 1985, and January 7, 1986, are undergoing review to determine if further actions are warranted.

Although the latest Consent Agreement entered into by Martha C. Rose Chemicals, Inc., and EPA did provide certain time periods to submit new alternate PCB disposal applications for approval and to install a new inventory control system, it did not allow activities not in compliance with the PCB Rule.

The oil detoxification process approval states: "This approval may be withdrawn or further conditions may be added to it at any time. Moreover, violations of any condition included as part of this approval may subject Martha C. Rose Chemicals, Inc., to enforcement action and/or termination of the approval." Based on the inspections above, it appears that oil may have been stored for more than one year, in violation of the applicable PCB Rule.

The oil detoxification process approval expires March 15, 1986. EPA has decided not to consider reapproval of this application until you are in complete compliance with the PCB Rule and the conditions of the approval. If you are in compliance on March 15, 1986, we will proceed with our review. This notification does not preclude EPA from taking further appropriate enforcement action.

If you have any questions concerning this matter, please contact Ruben McCullers or Henry Rompage, the members of my staff most familiar with this subject.

Sincerely yours,

SPENCER, FANE, BRITT & BROWNE

JAMES T. BRITT
MARRY L. BROWNE
JOSEPH J. RELLY, JR.
WILLIAM N. WOODSON **
ROBERT P. LTONS
RICHARD N. SPENCER
OONALD W. GIFFIN **
LOWELL L. SMITHSON
JAMES R. WILLARD
GAD SMITH **
EDWARD A. SETZLER
RICHARD W. SCARRITT
JACK L. WHITAGRE
BASIL W. RELSET **
JEROME T. WOLF **

MENDEL SMALL
JAMES M. WHITTIER
JAMES G. BARER
JACOB F. MAY, JR. • •
CARL M. MELMSTETTER
E.J. MOLLAND, JR.
JAMES W. RAPP, JR.
FRANR B. W. WECOLLUM
JAMES R. MUDOR
STANLEY E. CRAVEN
RONALD L. LANGSTAFF
SANDRA L. SCHERMERHORN
MICHAEL C. RIRR
MICHAEL F. DELANEY
I. EDWARD MARDUETTE

CHARLES S. SCHNIDER ..

IOOO POWER & LIGHT BUILDING
IOG WEST 14** STREET
KANSAS CITY, MISSOURI 64105-1874
TELEPHONE (816) 474-8100
TELEX 43-4345
TELECOPIER (816) 474-3216

MANSAS OFFICE SUITE 500, 40 CORPORATE WOODS 9401 INDIAN CREEK PARRWAY P. O. 80X 25407 OVERLAND PARK, KANSAS 66225-5407 (813) 649-8100 OR (818) 474-8100

> 87RON SPENCER 1883-1864 IRVIN FANE 1804-1982

CURTIS C. WOODS
RUSSELL W. BAKER, JR.
GARDINGR B. GAVIS
DAVID D. GATCHELL
TERRY W. SCHACEMANN O.
SCOTT J. GOLDSTEIN
MARR P. JOHNSON
JAMES T. PRICE
GEORGANN M. EGLINSKI O.
BRUCE E. CAVITY
ROUGH D. M. MERTEL O.
ROBERT B. TERRY
THOMAS M. WELSCH O.
WILLIAM C. MARTUCEI

JOHN L. UTZ
SMIRLET EDMONOS-GOZA
MICHAEL F, SAUNDERS
MARR A. TMORNMILL
BAVID L. WING ...
JAMES A. SNYDER
SAVID A. SOSINSKI
PAMELA A. ALETANDER
L. CAMILLE MEBERT ...
JOHN M. MAT ...
GREGORY C. LAWHON
BRIAN H. DUNN
JOHN W. SIMON
JOEL B. LANER

. ADMITTED IN KANSAS

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* * ADMITTED IN HANSAS AND MISSOURI ALL OTHERS ADMITTED IN MISSOURI

PLEASE REPLY TO THE MISSOURI OFFICE FILE NO. 3816300-1

August 2, 1985

REC'D.

AUG 0 0 1985

CNSL'

The Honorable Marvin E. Jones Administrative Law Judge Office of Administrative Law Judge U.S. EPA 726 Minnesota Avenue Kansas City, Kansas 66101

Re: Status report as to Martha C. Rose, TSCA VII-84-T-331

Dear Judge Jones:

This letter is written pursuant to the July 1, 1985 letter Order of the Court herein to advise the Court of the status of finalization of the settlement agreement herein earlier made.

The parties have met on several occasions since July 1 (even twice during this very week). The matter is complicated. Reasonable progress is being made.

Very truly yours,

SPENCER, FANE | BRITT & BROWNE

Lowell L. Smithson

LLS/cjl

CC: Henry E. Rompage, Esquire
Office of Regional Counsel
U.S. Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

REC'D.

March 11, 1985

MAR _ ? 1 ···

Henry F. Rompage U.S. Environmental Protection Agency Region VII 726 Minnesota Avenue Kansas City, KS 66101

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Reference: TSCA Docket No. VII-84-T-331

Dear Mr. Rompage;

On behalf of Martha C. Rose Chemical, Inc. (respondent), I wish to request an "informal settlement conference" at your convenience.

Please notify me of the time and location. If you have any questions or require additional information, you may contact me at (816)-417-7227. 737-27

Thank you,

Yours truly,

Dwight E. Thomas

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CAPACITORS

The June 26, 1984 letter from Walt Carolan concerning Martha C. Rose Chemical, Inc., compliance to Paragraph 1 of the Final Order for TSCA Docket No. VII-84-T-181 has been reviewed. We compared their statements to the information gathered during the August 7-15, 1984 inspection. We make the following comments.

- 1. The letter documents four shipments of capacitors totalling 134,840 lbs. The material log for the 1981 and 1982 received capacitors does not list any capacitors as shipped for incineration, so this claim is not directly verifiable; however, the 134,840 lbs. exceeds the capacitors received in 1982.
 - 2. We found on site 16 capacitors (Item No. C-2120) that was subject to the Final Order. It was not disposed.
 - 3. The 1984 material log for Manifest No. 0453 indicates that on January 10, 1984, Rose received seven items (pallets or drums) of capacitors totalling 2,315 lbs. Two capacitors items were processed on January 11, 1984, but there is no record of disposal of the cores. Five items were not processed by the date of the inspection.
 - 4. We found on the site a drum (Item No. 4A-2648) containing cores from 28 capacitors from Item No. C-2152A, 14 capacitor cores from Item No. C-2150A, and 24 cores from Item No. C-2147B. All three capacitor items are subject to Paragraph 1 of the Final Order.
 - 5. We found a drum that contained capacitor insulators from approximately fifty 1982 received capacitors.
 - 6. Two drums (Items Nos. A-118 and A-119) were found that contained cores from 24 items of capacitors from 1982.
 - 7. One drum (Item No. 4A-189) was on site that contained cores from Item Nos. C-1119 and C-1131, both received in 1982.
 - 8. One drum (Item No. A-199) was found that contained capacitor cores from Item No. C-1583. The Item was received in 1982.
 - 9. One drum (Item No. 4A-429) was found that contained capacitor cores from Item Nos. C-1951 and C-1954, both received in 1982.
 - 10. One drum (Item No. 4A-715) found contained capacitor cores from Items Nos. C-1082, C-1083, and C-1085. All three items were received in 1982.

Although the Final Order specified capacitor cores, there is no record documenting proper disposal of capacitor oil. If the oil from the core is considered "cores" then it would reqire incineration. The high ppm PCB oil shipped to Rollins for incineration may have contained some of this oil. However, we determined that more high part PCB oil was stored at the facility than could have been shipped to Rollins. If the capacitor oil is not core material, it would not be subject to the Final Order.

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PCB TRANSFORMERS

The August 31, 1984 letter from Martha C. Rose concerning their compliance to Paragraph 2 and 3 of the Final Order for TSCA Docket No. VII-84-T-181 has been reviewed and then compared to data gathered during the recent inspection. The following are our comments.

- 1. The facility provided insufficient documentation that oil above 10,000 ppm was shipped for incineration. Approximately 10,000 gallons (91,720 lbs.) of PCB oil was sent for incineration in early 1984; however, the facility had approximately 19,500 gallons of oil greater than 10,000 ppm PCB that should have been disposed. No facility records were available indicating what oil was shipped from the facility. At the time of the inspection the facility did not have a "first-in tank, first-out tank" policy. Their oil records were reported as first oil in building is first oil processed or shipped. No efforts were made to handle the oil in that manner resulting in several drums of oil recorded as disposed being found during the inspection.
- 2. The facility provided insufficient information to document that oil less than 10,000 ppm PCBs was treated prior to August 31, 1984. There were records of processing PCB oil generated by draining these transformers or by flushing of transformers which were initially less than 10,000 ppm. Solvents used in flushing PCB transformers that are greater than 10,000 ppm are required by the "no dilution policy" to be incinerated.
- 3. If the PCB transformers were converted to PCB contaminated transformers prior to disposal, the facility had insufficient documentation showing that the equipment was actually in-simulated-service for 90 days. During the inspection we collected records documenting that four of the listed transformers (Item Nos. T-1616, T-1618, T-1788, and T-2500) were in-simulated-service less than 90 days. There are also problems with the actual simulations since the projected PCB concentrations were not detected.
- 4. The five PCB transformers processed under the degreasing R & D approval were reported as degreased prior to December 9, 1983; however, dismantling records collected during the site inspection indicated dismantling in July, 1984. No documentation is available explaining why the transformers were dismantled during July 1984. If dismantled then, the cores would still be on site.
- 5. If all PCB transformers were removed from the reclassification line and degreased as the letter states, the degreasing authorization requires that processing must not start prior to August 12, 1984, thirty days after they notified EPA (July 13, 1984) and local officials. With the information on analysis provided in the letter, we determined that 24 of the PCB transformers were analyzed prior to August 12, 1984. For those analyzed after that date, we determined from documents collected during the inspection that all are reported as "processed", except those sent to Beatty, before August 12, 1984.

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All cores removed after May 8, 1984, must still be on site since that is the last known shipment to U.S. Ecology, a PCB landfill. Although the letter claims this material was landfilled prior to August 31, 1984, no documentation of that claim exists.

In summary, the information provided is not sufficient to document proper disposal of the PCB transformers prior to August 31, 1984, violating Paragraphs 2 and 3 of the Final Order.

DECLESSIFIED STOPE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION VII KANSAS CITY, MISSOURI

BEFORE THE ADMINISTRATOR

IN THE MATTER OF

MARTHA C. ROSE CHEMICALS, INC. PCB DIVISION,

TSCA Docket No. VII-84-T-181

Respondent

COMPLAINANT'S RESPONSE IN OPPOSITION TO RESPONDENT'S MOTION FOR APPEAL AND REQUEST FOR A HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE

Complainant opposes Respondent's Motion on the grounds that there are no legal, factual or regulatory bases for said Motion.

On July 2, 1984, Complainant and Respondent entered into a Consent Agreement and Final Order. In that document, Respondent agreed to comply with certain terms with which it has not complied. Further, Respondent upon signing said Agreement, waived its right to a judicial or administrative hearing on the issues, and admitted the violations set forth in the Complaint issued in this matter.

Therefore, the Administrative Law Judge has no jurisdiction in this matter, and further there is no legal or factual issue to be heard. There is no provision for Respondent's Motion in the Rules of Practice at 40 CFR 22, et seq.

Complainant requests that Respondent's Motion be denied.

Respectfully submitted,

Henry F. Rompage

Attorney, Office of Regional Counsel Environmental Protection Agency Region VII TATES ENVIRONMENTAL PROTECTION ENCY

November 2, 1984

Walter C. Carolan, President Martha C. Rose Chemicals, Inc. PCB Division 2459 Charlotte Street Ransas City, Missouri 64108

Dear Mr. Carolan:

Re: TSCA No. VII-84-T-181

At your request on November 1, 1984, representatives of your company and representatives of EPA met in the Region VII office to discuss the status of compliance with the Consent Agreement of July 2, 1984. EPA presented its besis for its position that the terms of the Consent Agreement had not been met. Your company then responded to the issues raised. It was then decided that the EPA representatives would discuss the matter and advise you of the decision reached.

This is to inform you that you did not present any information to rebut the EPA position that the terms of the Consent Agreement have not been met. We hereby reaffirm our position that the remainder of the civil penalty, specifically \$23,000, is due and payable, as set out in our letter to you of October 18, 1984. By that letter, payment was due on October 29, 1984. By our letter of October 26, 1984, in response to your October 23, 1984, request, the payment of the civil penalty was postponed fifteen days, or to November 13, 1984.

You are hereby advised that payment of the civil penalty of \$23,000 is due on Novbember 13, 1984, to and by the method set out in our letter to you of October/8, 1984.

Sincerely yours,

Henry F. Rompage Attorney Office of Regional Counsel

bcc: Leo J. Alderman, AWCM

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 324 EAST ELEVENTH STREET KANSAS CITY, MISSOURI - 64106

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MEMORANDUM

LPA CNEL

SUBJECT: TSCA Docket No. VII-84-T-181

FROM:

David A. Wagoner

Director, Air and Waste Management Division

TO:

Dave Tripp

Regional Counsel

On July 2, 1984, after a negotiated settlement, a Consent Agreement and Final Order was signed wherein EPA deferred \$23,000 of a \$30,000 penalty for violations of the PCB Rules and Regulations. If the Respondent, Martha C. Rose Chemical, Inc., failed to comply with Paragraphs 1, 2, and 3 of the Final Order, the \$23,000, plus interest, would be payable.

Based on the attached reviews of the two documents received from Respondent and information gained during a recent site visit, we find that Respondent has not documented compliance to Paragraphs 1, 2 and 3 of the Final Order.

We therefore recommend that the attorney of record, Mr. Henry Rompage, initiate the appropriate action necesary to collect the due penalty.

Attachment

ENFORCEMIENT SENSITIVE"

CAPACITORS

The June 26, 1984 letter from Walt Carolan concerning Martha C. Rose Chemical, Inc. (MCR), compliance to Paragraph 1 of the Final Order for TSCA Docket No. VII-84-T-181 has been reviewed. Paragraph No. 1 states "Respondent shall provide by June 30, 1984, documentation that it has properly disposed of all PCB capacitor core material on hand, and subject to the regulatory disposal date of January 1, 1984, by May 15, 1984." We compared their statements to the information gathered during the August 7-15, 1984 inspection. We have the following comments.

- 1. The letter documents four shipments of capacitors totalling 134,840 lbs. The material log for the 1981 and 1982 received capacitors does not list any capacitors as shipped for incineration, so this claim is not directly verifiable; however, the 134,840 lbs. exceeds the capacitors received in 1982.
- 2. We found on site 16 capacitors (Item No. C-2120) that were subject to the Final Order. They were not disposed.
- 3. The 1984 material log for Manifest No. 0453 indicates that on January 10, 1984, Rose received seven items (pallets or drums) of capacitors totalling 2,315 lbs. Two capacitor items were processed on January 11, 1984, but there is no record of disposal of the cores. Five items were not processed by the date of the inspection.
- 4. We found on the site a drum (Item No. 4A-2648) containing cores from 28 capacitors from Item No. C-2152A, 14 capacitor cores from Item No. C-2150A, and 24 cores from Item No. C-2147B. All three capacitor items are subject to Paragraph 1 of the Final Order.
- 5. We found a drum that contained capacitor insulators from approximately 50 capacitors received in 1982 by MCR.
- 6. Two drums (Items Nos. A-118 and A-119) were found that contained cores from 24 items of capacitors received in 1982 by MCR.
- 7. One drum (Item No. 4A-189) was on site that contained cores from Item Nos. C-1119 and C-1131, both received in 1982 by MCR.
- 8. One drum (Item No. A-199) was found that contained capacitor cores from Item No. C-1583. The Item was received in 1982 by MCR.
- 9. One drum (Item No. 4A-429) was found that contained capacitor cores from Item Nos. C-1951 and C-1954, both received in 1982 by MCR.
- 10. One drum (Item No. 4A-715) found that contained capacitor cores from Items Nos. C-1082, C-1083, and C-1085. All three items were received in 1982 by MCR.

ENFORCEMENT SENSITIVE"

Although the Final Order specified capacitor cores, there is no record documenting proper disposal of capacitor oil. If the oil from the core is considered "cores" then it would require incineration. The high ppm PCB oil (\geq 10,000 ppm) shipped to Rollins for incineration may have contained some of this oil. However, we determined that more high part PCB oil was stored at the facility than could have been shipped to Rollins. If the capacitor oil is not core material, it would not be subject to the Final Order.

ENFORCEMENT SENSITIVE"

PCB TRANSFORMERS

The August 31, 1984 letter from Martha C. Rose concerning their compliance to Paragraph 2 and 3 of the Final Order for TSCA Docket No. VII-84-T-181 has been reviewed and compared to data gathered during the recent inspection.

Paragraph 2 and 3 state:

- "2. Respondent shall properly dispose of all PCB transformers on hand and subject to the regulatory disposal date of January 1, 1984, by August 31, 1984.
- 3. Respondent shall provide by September 5, 1984, documentation that it has properly disposed of the transformers in Paragraph 2, by August 31, 1984."

The following are our comments:

- 1. The facility provided insufficient documentation that oil above 10,000 ppm was shipped for incineration. Approximately 10,000 gallons (91,720 lbs.) of PCB oil was sent for incineration in early 1984; however, the facility had approximately 19,500 gallons of oil greater than 10,000 ppm PCB that should have been disposed. No facility records were available indicating what oil was shipped from the facility. At the time of the inspection the facility did not have a "first-in tank, first-out tank" policy. Their oil records were reported as first oil in building is first oil processed or shipped. No efforts were made to handle the oil in that manner resulting in several drums of oil recorded as disposed being found during the inspection.
- 2. The facility could not provide complete documentation that oil less than 10,000 ppm PCBs was treated prior to August 31, 1984 as required by the Final Order. There were incomplete records of processing PCB oil generated by draining transformers or by flushing transformers which were initially less than 10,000 ppm. Solvents used in flushing PCB transformers that are greater than 10,000 ppm are required by the "no dilution policy" to be incinerated.
- 3. Information provided to the inspectors during the facility inspection indicated that the PCB transformers were reclassified as PCB-contaminated transformers prior to disposal under an EPA (HQ) issued reclassification authorization.

ENFORCEMENT SENSITIVE"

If any PCB transformers were converted to PCB contaminated transformers prior to disposal, the facility had insufficient documentation showing that the equipment was actually in-simulated-service for 90 days as required by the authorization. During the inspection we collected records documenting that four of the listed transformers (Item Nos. T-1616, T-1618, T-1788, and T-2500) were in-simulated-service less than 90 days. There are also problems with the actual simulations since the projected PCB concentrations were lower than projected.

4. The August 31 letter states that all PCB transformers were removed from the reclassification project and were instead degreased under a Region VII Approval.

If all PCB transformers were removed from the reclassification line and degreased as the letter states, the degreasing authorization requires that processing must not start prior to August 12, 1984, thirty days after they notified EPA (July 13, 1984) and local officials. With the information on analysis provided in the letter, we determined that 24 of the PCB transformers were analyzed prior to August 12, 1984. For those analyzed after that date, we determined from documents collected during the inspection that all were reported "processed" before August 12, 1984, except those sent to U.S. Ecology, a PCB landfill.

5. The five PCB transformers processed under the degreasing R & D approval were reported to EPA Region VII as degreased prior to December 9, 1983; however, dismantling records collected during the site inspection indicated dismantling in July 1984. No documentation is available explaining why the transformers were dismantled during July 1984. If dismantled then, the cores would still be on site.

All transformer cores removed after May 8, 1984, should still be on site since that is the last known shipment to U.S. Ecology, a PCB landfill. Although the letter claims this material was landfilled prior to August 31, 1984, MCR did not provide documentation of disposal.

In summary, the information provided by MCR is not sufficient to document proper disposal of the PCB transformers prior to August 31, 1984, as required in paragraphs 2 and 3 of the Final Order.

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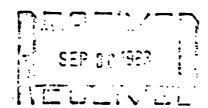
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2459 Charlotte Street Kansas City, Missouri 64108 -- (816) 471-7227



September 26, 1983

ENSCO 1015 Louisiana Street Little Rock, Arkansas 7220

Dear Sir;

Rose Chemicals PCB Division would like to ask for your quotation on the disposal of 1982 material. The following material must be disposed of by 12-31-83.

Material Type	Containment	Units	# lbs. (approx.)
Capacitor Cores Transformer Oil > 10,000ppm Transformer Oil > 10,000ppm	55 gallon drums	326	130,400
	55 gallon drums	100	54,000
	Bulk	7,000 gallons	70,000

I would also appreciate some cost details for utilizing your vehicles for material pick up in our Holden, Missouri facility.

Very truly,

Christopher B. Gosch

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Director of Sales & Marketing

CBG/vw

2459 Charlotte Street Kansas City, Missouri 64108 4816) 471-7227

September 13, 1983

John Hornberger Rollins Environmental Services, Inc. One Rollins Plaza Wilmington, Delaware 19899

Dear Mr. Hornberger:

The following is a reasonably close estimate of waste streams requiring disposal before the December 31, 1983 deadline.

Drummed Capacitor Cores - 200 (*80,000 lbs.)
Drummed Capacitor Insullators - 50 (20,000 lbs.)
Bulk Oil > 10,000ppm - 15,000 gallons

Thanks for your willingness to dispose of our material.

Very truly,

Jan 1

Christopher B. Gosch Director of Sales & Marketing

CBG/vw

* Estimate

K. Yatricle

FROM: ARTX Rose file

WAGSTAFF, ALVIS, STUBBEMAN, SEAMSTER & LONGACRE

ATTORNEYS AND COUNSELORS

J. M. WAGSTAFF 1862-1952

290 CEDAR

REPLY TO POST OFFICE BOX 360 ABILENE, TEXAS 78604-0360 TELEPHO ME 677-6291

AREA CODE 945

JOHN H. ALVIS 1896-1971 R. M. WAGSTAFF 1882-1973

ABILENE, TEXAS

April 25, 1986

THOMAS M. WHEELER MARY ANN PERGUS DARRELL W. MOORE

KEVIN MACEWAN

ROBERT H. ALVIS DAVID G. STUBBEMAN

DON N. SCAMSTER ROT B. LONGACRE RUSSELL C. BEARD PHILLIP J. DAY

Green file

REC'D. APR 3 0 1986

> CHSI AND REPORT

Mr. Art Spratlin Director, Toxic Waste 726 Minnesota Kansas City, KS 66101

Rose Chemicals/Generater's Meeting

Dear Mr. Spratlin:

This will confirm our telephone conversation of April 24. 1986 wherein a meeting date was set as follows: Wednesday, May 7, 1986 at 10:00 a.m., EPA office 726 Minnesota, Kansas City, Kansas. It is my understanding that those in attendance at the meeting will be concerned with the technical aspects of the Rose In this connection, you indicated that Mr. Leo Alderman and Rubin McCullers will represent EPA. At this time, I respectfully request your attendance as well if your schedule so permits.

In speaking with my clients, they indicate that the following generaters will be informed of the meeting, however, each generator will elect whether or not to attend: SWEPCO, Illinois Power Co., New Orleans Public Service, COLECO and Louisiana Power & Light Co. Further, each generater will be making a decision on whether or not to be represented by legal counsel at that time.

The generaters in attendance at that meeting hope to accomplish the following: i) information gathering; ii) group decision on how to clean up the Rose site; iii) what help the generaters can anticipate from EPA.

As you may also be aware, Illinois Power & Light Co. have called a generater's meeting to take place on Thursday, May 8, 1986. Hopefully, the May 7th meeting with EPA will assist those in attendance at the May 8th meeting in making informed decisions about a solution to the problem.

RECEIVED

APR 2 8 .986

AIR AND TOXICS SECON

Mr. Art Spratlin April 25, 1986 Page 2

Should you have any further comments prior to the May 7th meeting date, please call me immediately.

Yours truly,

WAGSTAFF, ALVIS, STUBBEMAN, SEAMSTER & LONGACRE

By: Maxy Ann Fergus

MAF:sl

cc: Mr. Carl Norton
West Texas Utilities Co.
P.O. Box 841

Abilene, TX 79604

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James R. Anderson, Esq. 210 Scarritt Bldg. 818 Grand Kansas City, MO 64106

Atty. for: Martha C. Rose Chemicals, Inc.

Walter C. Carolan 2459 Charlotte St. Kansas City, MO 64101

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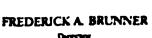
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STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176

P.O. Box 176 Jefferson City, MO 65102 314-751-3241

January 31, 1988

Mr. J. Bryan Carolan Rose Chemicals, Inc. PCB Division 500 West McKissock Holden. MO 64040

Dear Mr. Carolan:

RE: Resource Recovery Certification RR-151 Classification - R1

This letter is to inform you that the department has completed the review of your certified resource recovery facility application form. After a review of your application form and the supporting documents the department is pleased to inform you that Rose Chemical Treatment Process (Holden) has been certified for resource recovery contingent upon the following conditions.

- 1. The operator shall comply with 10 CSR 25-9.010 and all plans and processes described in the certified resource recovery application.
- 2. The operator shall not accept any hazardous wastes as defined by 10 CSR 25 that are not listed in the application and in quantities no greater than the amounts specified in the application.
- 3. Any oil that the operator accepts with a PCB level greater than 50 ppm is not regulated by the Waste Management Program. Therefore, this document certifies that Rose Chemicals, Inc. may accept waste oils as defined in 10 CSR 25-11 for reclamation in the existing chemical treatment process located in Holden.



FEB 20 1986

TOXICS & PESTICIDES
BRANCH

Mr. J. Bryan Carolan January 31, 1986 Page 2

If you have any questions regarding compliance with your certification, please contact Ms. Nancy Grice McGowan of my staff.

Sincerely,

DIVISION OF ENVIRONMENTAL QUALITY

David E. Bedan, Ph.D.

Director

Waste Management Program

DEB: NGM: 1h

Enclosure

cc: Mr. Bob Stewart EPA Region-VIL-

STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES



CERTIFIED RESOURCE RECOVERY FACILITY

Certification for resource recovery is issued to: ROSE CHEMICALS, INC.

For the facility located: 500 West McKissock

Holden, Missouri

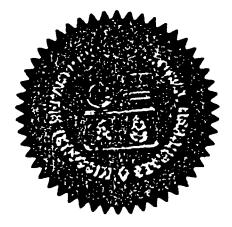
CERTIFICATION NUMBER: RR-151

A copy of this certificate must be available at the facility during operation.

This certification is valid from the date signed for a period of two years, in accordance with the Certified Resource Recovery Facility Application Form approved by the department. Only wastes listed in the approved application are to be processed at this facility.

It is understood that the acceptance and use of this certification subjects the operator of the above named facility to the applicable requirements of the Missouri Hazardous Waste Management Law and the rules thereunder specifically 10 CSR 25-9.010.

This certification applies only to resource recovery facilities certified under Missouri's Hazardous Waste Management Law; it does not apply to other environmentally regulated areas.



January 31, 1986

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Director Description of or National Resources

Director, Waste Management Program

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COMPLIANCE HISTORY OF MARTHA C. ROSE CHEMICAL, INC. =

- A January 1982 pre-operation inspection of the facility indicated no violations. At the time very few PCB items were stored on site.
- A November 1983 inspection and subquent receipt of documents reveale unmarked PCB items and PCB items and containers stored for more than one year.
- A \$30,000 civil penalty was assessed for the violations found in the above inspection. A Consent agreement reduced the penalty to \$7,000 if all violative material was disposed of prior to August 1, 1984.
- An August 1984 inspection revealed that the facility failed to comply with the terms of the above mentioned Consent Agreement. The agency then requested and received the remainder of the \$30,000 penalty.
- The August 1984 inspection also revealed new violations. These are:
 - (1) violation of the terms of the capacitor processing approval,
 - (2) violation of the terms of the transformer processing approval,
 - (3) violation of the terms of the oil processing approval,
 - (4) storage of PCBs and PCB items for more than one year,
 - (5) improper disposal of PCB items
 - (6) improper records of the PCB items at the facility
 - (7) three improperly marked PCB transformers
 - (8) improper storage of PCBs resulting in spills inside the storage area.
 - (9) improper containment of PCBs.
- A Civil Penalty of \$176,000 was proposed. After the facility documented an inability to pay the entire penalty, a consent agreement was signed reducing the penalty to \$46,250 if the facility would resubmit applications for all three processes by January 27, 1986, and would implement an inventory control system by approximately April 25, 1986.
- On July 21, 1985, OSHA inspected Rose and issued an order assessing a civil penalty and requiring improvement in their worker protection program.
- Inspections of Rig Industries and Asner Iron and Metal in September and October 1985, respectively, revealed that capacitor components alleged to be clean by Rose were contaminated with PCBs above the level specified in the approval conditions. These inspections are pending enforcement review.

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- An inspection on December 19, 1985, documented numerous instances of improper storage of PCBs. Items were stored outside the PCB containment area, the containment curbing was cracked, and PCB were stored in wooden crates, in a large metal bin, in paper sacks and in transformers with the top cut off with a torch. All these containers are improper. PCB items stored for more than one year were also documented. This inspection is pending enforcement review.
- An inspection was performed at Asner Iron and Metal on December 27, 1985, of transformer components (copper coils) processed by Rose. Preliminary sample results indicate that this material was contaminated above the level allowed in the approval conditions. This inspection is pending receipt of the sample results and review for enforcement action.
- On January 7, 1986, the facility was reinspected. Some of the damaged containment curbing had been repaired. However, PCBs had not been properly containerized since the last inspection, and the material stored for more than one year was still on site. Some undated PCB items and items without a PCB mark were also discovered. This inspection is also pending enforcement review.

"TNFORCE SENSITIVE"

REASONS FOR REVOKING MARTHA C. ROSE'S PCB APPROVALS

- After the initial inspection in January 1982 the facility has been out of compliance at each inspection.
- Four inspections have revealed PCBs on site for more than one year. The August 1984 inspection revealed very large quantities on site. Not completing disposal gives the facility more money to operate with since they require payment upfront by the generators.
- The August 1984 inspection revealed violations in the operation of the facility's capacitors approval. The capacitor metal was cleaned to 160 milligrams, not to the 0.01 milligram per swab required in the approval. Other capacitor approval conditions that were also not followed are capacitor puncturing procedues, solvent flushing conditions, and approval specific recordkeeping requirements.
- The August 1984 inspection revealed violations in the operating of the facility's oil processing approval. Oil identified as clean was determined to be 31 ppm insteand fo the 2 ppm required by the approval. Other conditions violated are modification of the process without EPA approval, exceeding maximal operating temperature, inoperative SCBA equipment, and no assembled spill control kit.
- The August 1984 inspection revealed violations of the operating of the facility's transformer processing approval. Processing was preformed prior to authorized date and approval specific recordkeeping requirements.
- The facility has consistently failed to maintain the storage containment in good condition. Lack of containment or damage to the containment has been found on most facility inspections.
- The facility has failed to properly process capacitor metal of PCBs it sent off-site as clean. This reflects either poor quality control or lack of concern with compliance as this is the second time we found improperly cleaned metal from the Rose process.
- The facility has been notified numerous times by EPA that it had to use proper PCB containers until they received approval for alternate containers. The two December 1985 inspections revealed a flagrant disregard for these requirements since PCBs were in wooden crates, paper sacks, metal bins, and in transformers with the top cut off with a torch. If the tops of the transformers were removed by Rose, this could have generated dioxins and furans more hazardous to the workers than the PCB exposure they received from using unapproved containers.

ENFORCEMENT SULVALIVE

- At the time of each Rose inspection, the inspector was delayed at the office for approximately 30 minutes or more. When the inspector does get into the work area, all employees are cleaning and not operating any of the approved activities. This indicates that they do not perform proper cleaning on a day to day basis and also possibly that they do not want EPA observing operations.
- Ouring interviews with ex-employees and current employees, we were informed that it is a common practice to be told by management to change the date of storage for disposal on PCB items so as to avoid the one year disposal requirements. This is an obvious willing violation to the regulations.
- The August 1984 inspection and a July 21, 1985, inspection by OSHA documented that the employees were improperly protected from exposure to PCBs. OSHA assessed a penalty and required numerous improvements in the working conditions.
- Ouring interviews with employees and ex-employees claims were made that PCB material were often not cleaned for a sufficient time. To pass the lab testing requirement the facility allegely ran blank samples as actual swab samples. We were also told that the facility maintained "pet metal" which was sampled as if it came from a batch but was actually stored in the work area just for sampling.
- Information received during employee interviews indicated a very high turnover rate of employees. This was based on physically difficult working conditions, low wages, and the requirement placed on employees to perform actions that were illegal. We were informed by one exemployee that although the facility usually operates with a staff of approximately 40 people, that in 1984 over 200 W-4's were issued.
- Information received during employee interview indicated that water separated from from PCB contaminated oil was not incinerated as the regulations require, but was instead dumped on site. This seems to be supported by the finding of low levels of PCB in the Holden sewage system by the Missouri Department of Natural Resources.
- Information received from employees indicated that they were frequently told by management to only clean the oil processed to about 30 ppm. This is well above the 2 ppm specified in the approval.
- The December 1985 inspection of Asner Iron and Metal resulted in our sampling seven samples of copper from transformers that Rose claims were processed. Although the control sample of the swab samples was contaminated, making the two swabs difficult to use in the courts, the preliminary results did indicate PCBs concentrations greater than authorized by the approval. Final results are expected soon from NEIC.



Page 3

- Rose has never made improvements in its operations or approvals unless that change is demanded by either EPA or OSHA.
- The investigation by the criminal investigators and the numerous administrative inspections documented major violations by Rose. The town of Holden and other companies in the PCB disposal industry have asked how long we are going to allow such a facility to operate. They see no obvious effect on the company by the civil penalties.
- "TOPE was informed by telephone that the other stockholders in Rose were in the process of filing suit against Walter Carolan for not reporting all corporate income to the stockholders. The stockholders attorney said that he had information that 1984 sales were over \$12 million instead of the \$2.2 million reported to the stockholders. The \$2.2 million was also the same figure presented to EPA during settlement negotiations for the \$194,000 civil penalty which led to the reduction of the penalty to \$96,000 without the conditions.
- The City of Holden, Missouri, has filed suit against Rose for failure to comply with city ordinaces.

TENFOR CEMENT SENSITIVE"

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REG!ON VII 725 MINI!ESOTA AVENUE KANSAS CITY, KANSAS 66101

3/26/86

REC'D,

MAR 26 1986

CNSU AIR & WALER Art Sprathin Komena Michaels
from Pitter
Henry Rompiese

Fm: Pour trips

Re: Martin C. Rose

Attached notes of conversation are for your info. on latest exchange on Months Fore - also attached is Pose' litter announcing Et i involvement.

2/2(e/8(e to: Scott Goldsten , Spencer Face (ath. for Months C. Pose)

From Lupp

No. Marsha C. Rose alujal Golditain that we had send calls from lawyers and managers of cos. in the generator group, who were asking who to contact re. the states of " phase out" of PCB inventary at Holden, and that I had gran his name as aty. to M.C. Rose. told him EPA was interested in is being accused when a meeting of greenters, Eti Co, etc., was called, but by of letter of 3/19/8ce from Cardan to telling us that Et wal be "allowed to arrange to disposal, that ECA _ we not be in the factiont of aranging any meetings suggested he contact Rose to confirm that Rose De or Eti wel: arrange a meeting or at least a mailing to quenaturs out reply to me, and tust it woo. he impt. to have a plan for arginization of generators by committee, etc. He agreed to call back. cc: Momis. Art. Row, Ron, Heinie

Rose Chemicals D

DRT

2459 Chariotte Street Kansas City, Miscouri 64105 (816) 471-7027

March 19, 1986

United States Environmental Protection Agency Region VII = Council Council 726 Minnesota Ave.
Kansas City, KS 66101

Attn: David Tripp, Attorney

Gentlemen:

Rose Chemicals has tenatively agreed to allow Environmental Technology Incorporated of Buffalo, New York to arrange for complete disposal services for PCB materials currently stored for disposal in our Holden facility.

In addition to arranging for disposal, ETI will essist in the requirements for labor and manifesting, so that a timely, efficient phase out will be completed.

I have reviewed their qualifications, and experience in this industry, and I feel they are well suited to provide the expertise this project requires.

Sincerely,

Walter C. Carclan

President

WCC/tls

REC'D

MAR FOR MEG

EPA CHIST

Rompage

ILLINOIS POWER COMPANY



500 SOUTH 27TH STREET, DECATUR, ILLINOIS 62525-1805

May 27, 1986

Mr. Art Spratlin
Director, Air & Waste Toxics Management Division
U. S. Environmental Protection Agency, Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Dear Art:

The Rose Chemical Steering Committee met on May 22, 1986 in St. Louis. At that meeting it was agreed to employ Clean Sites, Inc. In that respect, Clean Sites will be the neutral party acting on behalf of the generators. Hence, it would be appropriate if you would want to reference any telephone calls from generators to Clean Sites, Inc. in care of Jim Kohanek or Nancy Newkirk at phone number 703/683-8522. Specifically, we are trying to take Ms. Paige Hall out of that telephone call loop. I will still communicate with you and other persons at Region VII on behalf of the generators and as Chairman and Potential Responsible Party Executive of the Rose Chemical Steering Committee.

Legal counsel assigned to the Steering Committee for purposes of interacting with USEPA, Region VII is Schiff, Hardin & Waite. The primary lawyer assigned to the Steering Committee is Mr. Sheldon A. Zabel. Mr. Zabel's phone number is 312/876-1000. Mr. Zabel will be contacting Messrs. Tripp and Patrick in the Regional Counsel's office in the near term to initiate formal requests of various sorts of information.

Sincerely,

ILLINOIS POWER COMPANY

Jene L. Robinson

Chairman

Rose Chemical Steering Committee

cc: P. J. Womeldorff - B-20 Jim Kohanek, Clean Sites Sheldon A. Zabel - Schiff, Hardin

RECEIVED

MAY 2 9 1986

AIR AND TOXICS DIVISION

ENFORCEMENT SENSITIVE

Wagner



Phone Memorandum

Rose Chemical Steering Committee

On May 21, 1986, I received a phone call from Mr. Ken Kulinowski, the Vice President of Disposal Operations of Environmental Technology, Inc. (ETI). The salient points from that conversation follow:

- o It is probably feasible to match a high percentage of the materials remaining at the site with the generators of the materials.
- The Rose Chemical "Work Order" records appear to be about 85% accurate although there is more material at the site than is shown on those records.
- o Mr. Kulinowski was very realistic during this conversation in that he indicated ETI is interested in having an opportunity to be considered as a disposer of the materials at the site. There was no indication during the conversation that ETI felt they were in a position, or even desirous, of forcing the generators to use their services as a result of some agreement with Rose Chemical.
- o Mr. Kulinowski indicated that ETI had reservations at various incineration facilities that would allow for quick disposal of the materials at the site that can be incinerated. He also indicated they had other arrangements with final disposal facilities that would be of advantage to the generators. I told Mr. Kulinowski that the Steering Committee was forming a Technical Subcommittee that would be addressing cleanup of the site and that the generators would consider any proposal that ETI wished to make.
- o I advised Mr. Kulinowski the more complete their proposal was the better it would be received by the generators.
- I advised that any information ETI could provide on the history of its company and its officers would also be appreciated by the generators.
- o I advised Mr. Kulinowski that if he would send this information to me I would forward it to the Technical Subcommittee of the Steering Committee.

Jene L. Robinson

ROSE: dmf

"ENFORCEMENT SEISTIVE"

Cc: Apprating USEPA, Region VII Sheldon A. Zabel - Schiff, Hardin & Waite Rose Chemical Steering Committee Jim Kohanek - Clean Sites, Inc.

Hin, Out, & ETIL 5-16.86.
They have mynt + control grate & contin.
access. But Romes was tall by Genin + Kulinosky to call Carolin for access. E V cl my he told him to go abeling inspection ho love employees on sile: There are Own Iteel people on -site, & when they help ETel the ETIL is chall for thee services. & Tel is working on speculation at the paint, + long emetry.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

May 9, 1986

Mr. Walter C. Carolan President Martha C. Rose Chemicals, Inc. 2459 Charlotte Kansas City, Missouri 64108

Dear Mr. Carolan:

In your letter of May 6, 1986, you have notified us that you are within a few days of a written agreement with Environmental Technology, Inc., Buffalo, New York, to bring the Martha C. Rose Chemicals, Inc. (MRC) plant in Holden, Missouri, within Environmental Protection Agency (EPA) compliance standards. With your letter, you have included a letter of May 1, 1986, which you state has been sent to generators with material still remaining at the facility.

In your letter to the generators, you have notified them that MRC has not accepted any new PCB materials for disposal since March 1, 1986, nor has it processed any PCB materials, and a major portion of the employees have been laid off. You state that the "partial halt in Rose's operations" was caused by certain compliance problems perceived by EPA with respect to Rose's operations. You also state "Rose decided that it was unable to make the corrections requested by EPA within the time given by EPA"

Our records relating to MRC contain two administrative orders on consent by which MRC acknowledged violations of substantive provisions of the PCB regulations, and in which MRC committed to pay stipulated penalties and perform corrective actions to bring the facility into compliance. Those administrative orders on consent were entered on June 26, 1984, and September 27, 1985. The violations of the PCB regulations have been acknowledged and consented to by MRC. At this date, the requirements of the administrative order on consent of September 27, 1985, have not been met because of the failure of MRC to pay the penalty required, and to perform the corrective actions to which the company has stipulated. MRC has been and is presently in violation of the PCB capacitor, PCB transformer, and PCB mineral oil process approvals. Additional violations have been observed during recent inspections, and will require further corrective action.

The EPA's primary concern at this time is the proper disposal of the PCBs and the PCB items presently located at the facility. As stated in our letter to you of April 23, 1986, we believe MRC is responsible for inventory, cleanup, and disposal of the PCBs and any other hazardous substances at the Holden facility, and we expect that MRC will meet its legal obligations. In view of the fact that MRC has now notified the generators that "Rose . . . finds itself unable to dispose of PCB materials previously sent to it, and is therefore, notifying you by this letter that it will be unable to dispose of any PCB materials remaining on its facility which may have been sent by you," we understand that you do not intend to meet the obligation for proper disposal of the PCBs and PCB items at the site by providing funds for the activities required.

The EPA has been contacted by many of the generators, who are concerned about their responsibilities with respect to the materials they consigned to MRC for disposal. They have informed us that they have not agreed at this time to enter any arrangements to provide additional funds for disposal of PCB materials for which they have already paid a fee to MRC for proper disposal. With regard to the financial responsibility for disposal activities, the generators have raised questions concerning the disposition of the funds which MRC collected for disposal services. A full accounting of the financial status of MRC and its affiliated corporations, and Walter C. Carolan as an individual would help resolve those concerns of this agency and the generators.

Based upon your statement that MRC will be unable to dispose of any PCB materials remaining on its facility, we believe no further removal, handling, or attempts at disposal should occur until the financial responsibility for further disposal activities has been resolved. We will expect to contact you during the week of May 12 concerning resolution of the role of MRC in future activities at the site.

We have been informed today by representatives of Environmental Technology, Inc. (ETI), that they have completed an agreement with MRC to perform services at the facility, commencing on Monday, May 12, 1986, with an inventory of materials at the site. Further activities relating to disposal of the PCBs are scheduled to follow. Because of the rejection by MRC of financial responsibility for disposal activities, and the fact that the generators have not yet identified a spokesperson for negotiations with MRC or EPA for cleanup activities, we advised the ETI representatives that any activities at the site were completely at the risk of ETI as to the expense involved. Further, by copy of this letter, we are advising ETI that EPA provides no assurance that any activities they undertake at the site will be in any way protected from possible future liability. It is our continuing expectation, as outlined in our letter of

April 23, 1986, that any cleanup activities which are commenced will lead to a complete conclusion of all disposal and removal actions required at the site, and any activities which precede an agreement for funding and resolution of the liabilities of the parties are at the risk of the party taking those actions.

Sincerely yours,

David R. Tripp Regional Counsel

cc: Phillip E. Badame, President Environmental Technology, Inc. 84 Sweeney Street North Tonawanda, New York 14120

> Scott Goldstein Spencer, Fane, Britt & Browne 106 West 14th Street Kansas City, Missouri 64105

Campbell's Soup Company Attn: Jim Currey Rt 110-E Napoleon, OH 43545

Campbell's Soup Company Attn: Bob Erickson Platte & Factory Street Fremont, NE 68025

Campbell's Soup Company Attn: P. Moeszinger 6200 Franklin Blvd. Sacramento, CA 95824

Campbell's Soup Company Attn: Jack Laird P.O. Box 29 Chestertown, MD 21260

Central Louisiana Electric Co. Attn: Paul Turregano P.O. Box 510 Pineville, LA 71360

Illinois Power Attn: Bart Idle P.O. Box 511 Decatur, IL 62525 cc: Interstate Power
Attn: H. H. Faherty
1000 Main Street
Dubuque, IA 52001

Iowa Public Service Attn: Jack Hardy P.O. Box 778 Sioux City, IA 51102

Kansas Power & Light Attn: Bruce Caler P.O. Box 889 Topeka, KS 66601

Louisiana Power and Light Attn: Ed Peters P.O. Box 61009 New Orleans, LA 70161-1009

New England Power Attn: Bob Moon 25 Research Drive Westborough, MA 01581

Savannah Electric Attn: W. Watzgar P.O. Box 966 Savannah, GA 31402

Southwestern Electric Power Company Attn: Tom Epperson P.O. Box 21106 Shreveport, LA 71156

Transformer Services Attn: Steven Booth Regional Drive Concord, NH 03301

West Texas Utilities Attn: Carl Norton P.O. Box 841 Abilene, TX 79604

Mayor Brillhart City of Holden Holden, Missouri 64040 blcc: Morris Kay
Romald R. Ritter
Rowena Michaels
William A. Spratlin
Envirosura

CHSL:DRIripp:jc:x2512:5/9/36

David A. Wagoner
Leo Alderman
Robert L. Patrick
Henry II. Rompage
Bruce Buckheit
Department of Justice



84 SWEENEY ST. . NORTH TONAWANDA, NEW YORK 14120 . 716-693-7700

May 8, 1986

U.S. E.P.A.
Region VII
726 Minnesota Ave.
Kansas City, Kansas 66101

Attention: Mr. David Tripp
Regional Counsel

Re: Four Phase Remediation Plan Martha C. Rose Chemical Company

Dear Mr. Tripp,

Pursuant to our discussions and in line with the guidance set forth by the U.S. E.P.A. Region VII, Environmental Technology, Inc. (ETI) will undertake a multi-phase program to remediate the Martha C. Rose Chemical Inc. facility located in Holden, Missouri.

Environmental Technology, Inc. has entered into agreements with Mr. Walter C. Carolan, President of Rose and will begin management of the site effective Monday May 12, 1986. Although ETI is not a Potentially Responsible Party (PRP), the management and staff of ETI have in excess of 80 years experience in the hazardous waste management industy and we specialize in this type of project. In addition, we have a sincere interest in acquiring Martha C. Rose Chemical Company and to this end, we have dedicated ourselves and our resources to performing in a most efficient and cost effective manner. We would like to see the facility at Holden cleaned up and allowed to continue operations as a disposal facility.

ETI believes that with the cooperation of the generators and the assistance of the U.S. E.P.A. we can perform this monumental task in such a way that each PRP would share in the cost of the project at minimal expense in comparison to a mandated SuperFund site cleanup. The economic advantages to any PRP in such an undertaking are widely acknowledged.

The plan we have authored consists of four (4) phases:

PHASE I - INVENTORY

ETI will begin on Monday May 12, 1986 to conduct an in-depth inventory of the PCB material located at the facility. This inventory will determine who the PRPs are and to what extent they have material at the facility. We intend to request a fee of \$1000.00 per manifest from each PRP in order to cover the costs associated with the inventory, material identification, and reporting. ETI will provide each PRP with a report of their material and its status and we will provide the U. S. E.P.A. with these reports as well. ETI will no doubt incur some resistance from a few of the PRP's and we will advise you and you may choose to deal with them in an official capacity.

PHASE II DISPOSAL

ETI will conduct orderly systematic and proper disposal of all that base PRP material located at the facility according to a prescribed timetable. ETI has secured contracts with the major disposal facilities for this project including U.S. Ecology, Chemical Waste Managment, and Ensco, to name a few. ETI has secured reasonable prices and will be able to arrange the disposal of the PRP's material in a most cost effective manner. Additionally, we have been assured of prompt incineration and landfill. There are in place attractive trucking rates and we have a substantial fleet of haulers on line and ready to proceed.

ETI will provide each PRP with the total price for disposal and transportation of their waste present at the facility. It will be their option of either having ETI dispose of their material or a contractor of their choice. We will effect the disposal on a first come-first serve basis; i.e. those PRP's that respond first to our plan will be handled first. ETI will ask the PRP's to place the dollars required to dispose of their material in an escrow account which has already been established at the Manufacturers and Traders Trust Company located in Buffalo, New York. The M & T is a well recognized commercial banking institution with impeccable credentials and experience. Once we have the PRP's money in escrow, we will send their material out for disposal. When the bank receives a Certificate of Disposal for the disposal facility they will then release the money to ETI. This procedure will perform two functions: (1) the generators will be sure that their material has been disposed of before they actually pay. (2) ETI will be paid for the disposal and not left holding an empty bag.

PHASE III - RESIDUAL MATERIAL

Upon disposition of BASE MATERIAL (described as readily identifiable capacitor cores and transformers), debris, PCB oils and other residual materials will be disposed of in accordance with Federal Regulations governing particular materials. It is anticipated that TSCA regulations for disposition of PCB's will govern most, if not all, Phase III materials. The method of allocating assessments for this residual material will be a pro rata formula based on percentage of individual generator involvement at Martha C. Rose. This disposition will be in accordance with guidance given by U.S. EPA Region VII. It has been determined that there is substantial residual material in storage that will need proper disposition at significant cost.

PHASE IV - SITE RESTORATION

This final phase has been established in order to comply with the conditions of remedial action mandated in the U.S. EPA Region VII letter of April 23, 1986 (Page 3, Article 1). The total clean-up effort referenced has yet to be assessed from a financial point of view. It would probably be best addressed during or after the Inventory and Residual Removal, when the final magnitude is more definable. As in the case of Phase III, allocation of assessments will be a pro-rate formula based on percentage of individual PRP involvement at MRC. The time frame for completion of the final remediation would, obviously, be predicated on defining the total magnitude and subject to U.S. EPA Region VII guidance in this area.

From a practical and economic stand point the approach to minimizing cost is to begin and commit to the program as soon as possible. The costs associated with the operation and disposal cannot be held firm for long standing periods of time. Simply stated, it appears that "First come, First served" may be very significant for the PRP's in the final analysis.

You indicated in our previous discussion that the EPA would issue a consent order which would allow the generators who participate in this plan to be held harmless as long as they actively participate in all four phases of the program. I believe it to be essential that you issue this order as soon as practical.

Finally, ETI is preparing a complete plan for the remediation of this site and this plan will be delivered to you shortly.

If you require further information please let us know.

Sincerely,

ENIVIRONMENTAL TECHNOLOGY, INC.

Philip E. Badame President

PB:bw

2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

May 6., 1986

United States Environmental Protection Agency Region VII 726 Minnesota Avenue Kansas City, Missouri 66101

Attn: Mr. David R. Tripp

Dear Mr. Tripp:

I have been asked by Phillip Badame of Environmental Technology, Inc. to write to you and clarify a situation which has arisen regarding the remedation of the Martha C. Rose plant in Holden, Missouri.

Rose has, as you know, had talks and made verbal agreements with ETI for bringing the facility within EPA compliance standards. We are within a few days of a written agreement and in fact an announcement of the status, and its compliance problems has been sent to the generators with material still remaining at the facility. (copy attached)

Other remedial firms have appeared on the scene and at this point of time they are uninvited by Martha C. Rose Chemical. I feel that we can best work with a single remedial company at a time if we are to achieve the goals as outlined in your April 23rd letter directed to Mr. Badame of ETI. To this end it is Martha C. Rose Chemicals, Inc. position that the company it chooses to work with at this time is Environmental Technology, Inc. of Buffalo, New York.

If you disagree with this decision please so advise

Sincerely

Martha C. Rose Chemicals, Inc.

WCC/sp Encl.

SPENCER, FANE, BRITT & BROWNE

JAMES T. BRITT
JOSEPM J. RELLY, JR.
WILLIAM N. WOODSON **
ROBERT P. LYONS
RICHARD M. BPENCER
BONALD W. GIFFIN **
LOWELE L. SMITHSON
JAMES R. WILLARD
GAD SMITH **
EDWARD A. SETZLER
RICHARD W. SCARRIT
JACK R. LWHIACRE
BASIL W. RELSET **
JEROME T. WOLF **
MENDEL SMALL

:

JAMES M. WHITTER **

JAMES G. BARER

JACOS F. MAY, JR. **

CARL M. HELMSTETTER

E.J. MOLLAND, JR.

JAMES W. RAPR, JR.

FRANK B. W. MCCOLLUM

JAMES R. MUDEK

STAMLEY E. CRAVEN

RONALD L. LANGSTAFF

SANDRA L. SCHERMERMORN

MICHAEL F. DELANEY

I. EDWARD MAROUETTE

CURTIS E. WOODS

CHARLES S.SCHNIDER ++
OF COUNSEL

IOOO POWER & LIGHT BUILDING
IOG WEST INTO STREET
KANSAS CITY, MISSCORT \$105-1974-7
TELEPHONE (816) 474-8100
TELEX 43-4345
TELECOPIER (816) 474-3216

RANSAS OFFICE SUITE 500, 40 CORPORATE WOODS 9401 INDIAN CREEK PARKWAY P. O. 802 25407 OVERLAND PARK, KANSAS 66225-9407 (913) 345-8100 OR (816) 474-8100

> BYRON SPENCER 1893-1964 IRVIN FANE 1904-1982 MARRY L. BROWNE 1911-1965

RUSSELL W. GARER, JR.
SARDINER B. DAVIS
J. NIER BADGEROW *
-DAVIS, D. SATCHELL
TERRY W. SCHARMANN **
SCOTT-J. SOLDSTEIN
MARR P. JOHNSON
JAMES T. PRICE
SEORGANN N. ESLINSKI **
BRUCE E. CANITT **
RICHARD N. HERTEL *
ROBERT S. T. TRY
THOMAS M. WELSCH **
WILLIAM C. MARTUCCI
JOHN L. UTZ

SHIPLEY EDMONDS-GOZA MICHAEL F. SAUNDERS MARR A. THORNHILL DAVID L.WING ** JAMES A. SAYDER SAWID A. SOSINSKI PAMELA A. ALEXANDER L.CAMILLE NÉBERT ** JOHN M. MAY ** SREGORY C. LAWHON BRIAM H. DUNN JOEL B. LANER DAVID V. KENNER CAROL WOODLEY TRAUL **

- . ADMITTED IN KANSAS
- * * ADMITTED IN KANSAS AND MISSOURI ALL OTHERS ADMITTED IN MISSOURI

PLEASE REPLY TO THE MISSOURI OFFICE FILE NO. 3816300-1 April 3, 1986

Hand Delivered

Henry Rompage, Esq.
Office of Regional Counsel
726 Minnesota Avenue
Kansas City, Kansas

Re: Response to questions 1 and 2 of subpoena

Dear Henry:

I told Rubin I would supply the information requested in questions 1 and 2 of the subpoena today. Therefore, based upon the information provided me by Walter C. Carolan, that information is as follows:

1. American Steel Works, Inc. 500 West McKissock Holden, Missouri 64040

2459 Charlotte Kansas City, Missouri 64108

(has been in operation since approximately 1978)

Dust Suppression Systems, Inc.
 500 West McKissock
 Holden, Missouri 64040

2459 Charlotte Kansas City, Missouri 64108

(has been in operation since approximately 1968)

"ENFOR CEMENT SENSITIVE"

Henry Rompage, Esq. April 3, 1986 Page 2

3. W. C. Carolan Company, Inc. 500 West McKissock Holden, Missouri 64040

2459 Charlotte Kansas City, Missouri 64108

(has been in operation since approximately 1957)

4. Martha C. Rose Chemicals, Inc.

W. C. Carolan Company, Inc. 500 West McKissock Holden, Missouri 64040

2459 Charlotte Kansas City, Missouri 64108

(has been in operation since approximately 1982)

Very truly yours

Scott J. Goldstein

SJG:sl

*ENFORCEMENT SENSITIVE

mon Our Fengus, attorney 915-677-6291 soysthey have bed notarial of theirs, nor a year. They have paid large amounts There few arts, lent mot many. Come how cause of that me heard the + not accepting new mentandly we are ten Rose rep. leg Speneer fare Told her I was limited in what alcould ell han

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ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENFORCEMENT

NATIONAL ENFORCEMENT INVESTIGATIONS CENTER
BUILDING 53, BOX 25227, DENVER FEDERAL CENTER
DENVER, COLORADO 80225

to Leo Alderman, Chief

Toxics and Pesticides Branch, Region VII

DATE: February 12, 1986

FROM :

Dean F. Hill, Chief Om & Hill

Pesticides and Toxic Substances Branch -

SUBJECT.

Results of Polychlorinated Biphenyl Analyses

Attached is the analytical report for the determination of polychlorinated biphenyls (PCRs) in samples taken by your office in connection with official investigations at the following site:

Asner Iron & Metal

In summary, PCBs were detected in all of the samples. The wipe control sample contained 8 ug or more of Aroclor 1260. The two wipe samples also contained high levels of the PCB Aroclor 1260, thus the results for the wipe samples should be considered unreliable.

Please advise if you have any questions regarding these analyses and when we may dispose of the remainder of the samples.

Attachment

cc: David R. Tripp, Regional Counsel, Region VII

PECEIVED

FEB 20 1986

TOXICS & FRE CIDES

"ENFORCEMENT SENSITIVE" BRANCE

ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENFORCEMENT NATIONAL ENFORCEMENT INVESTIGATIONS CENTER BUILDING 53, BOX 25227, DENVER FEDERAL CENTER DENVER, COLORADO 80225

DATE:

February 3, 1986

FROM :

TO

Kenneth Wang

Dean F. Hill

SUBJECT-

Results of PCB Analysis of Samples from Asner Iron & Metal

On January 3, 1986 three wipe and five copper strip samples were received under official custody seal from Region VII. These samples were from Asner Iron & Metal. Analysis was requested for polychlorinated biphenyls (PCBs).

All five copper strip samples contained high levels of the PCB Aroclor 1260. The results are given below.

Sample Number	Type of Sample	Concentration of Aroclor 1260, ug	
12278540070104	wipe	NR	
12278540070105	wipe	NR	
12278540070106	wipe control	NR	
12278540070107	copper strip	3500	
12278540070108	copper strip	29000	
12278540070109	copper strip	40000	
12278540070110	copper strip	230	
12278540070111	copper strip	15000	

NR = Detectable levels of PCB, but not report.

The copper strip sample was extracted with hexane which was then cleaned with sulfuric acid and analyzed by electron-capture gas chromatography. A solvent blank was analyzed with the samples and it did not contain any significant interferences. Since the entire sample was extracted with hexane during the analysis it was not possible to analyze any spiked or duplicate samples. Sample -10 was diluted with hexane in two different dilutions with results of 240 and 220 ug for an average of 230 ug of Aroclor 1260.

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TSCA INSPECTION REPORT

Asner Iron & Metal 34 N. James Street Kansas City, Kansas 66101 Inspection No. 122585400701 Docket No. VII-86-T-422 Date: 12-27-85

Introduction

This was a Region VII "for cause" inspection of Asner Iron to determine the level of PCB contamination on scrap copper which had been received at the facility on 12-27-85 from Martha C. Rose Chemical Company of Holden, Mo. which operates a PCB disposal facility with Region VII approval.

Summary of Observations

No deviations from approval or from 40 C.F.R., Part 761 were noted during the inspection.

More than 95% of the material was still enclosed in paper or cloth insulation. Seven samples and one control were sent to NEIC in Denver, Co. for PCB analysis.

Persons Interviewed and Individual Responsibilities

Mr. Howard Feingold - Manager, Asner Iron & Metal

Inspection

At approximately 9:40 a.m., Friday, December 27, I, David Phillippi, arrived at the office of Asner Iron & Metal. I was met by Mr. Howard Feingold, the manager, to whom I presented my credentials. I told him I would like to sample the copper from Rose Chemical, which was still on the property. Mr. Feingold signed the Notice of Inspection and the Confidentiality Notice at 9:45 a.m.

I selected a representative lot of metal from twenty (20) crates (see shipping order) of scrap copper wire and metal which had been delivered by Rose to Asner earlier that morning. Mr. Feingold said the delivery was supposed to be on December 23 (the date on the shipping order and certificate of decontamination) but was not made on that date due to a broken fork-lift at Rose Chemical. The selected lot of metal was segregated into individual samples later that morning.

Sample number 12278540070104 was a swab sample from a varnish covered copper strip. The required linear length to achieve 100cm 2 surface was calculated, and the strip was cut to length before swabbing. An identical length of equivalent material was sent to the NEIC laboratory for them to

swab before analysis so we can compare the consistency of our swabbing techniques with their standard (sample number 12278540070110). Sample 12278540070105 was taken from a 100 cm 2 surface of thin copper sheet metal. Both -04 and -05 were taken with sterile guaze pads moistened with iso-octane. Sample number 12278540070106 was a blank guaze control wet with iso-octane. Samples 122785400701-07, -08, -09 and -11 were metal strips with a calculated 100 cm 2 surface area (cut to length) and sent to NEIC for recovery of possible PCB's from paper and cloth insulation as well as the metal. All samples were placed in inverted polybags, taped, and sealed with the EPA seal. Guaze swabs were placed in 20 ml glass vials with teflon caps prior to bagging. Rush analysis was requested of NEIC on the Chain of Custody forms sent under separate cover.

I asked Mr. Feingold if I could make a copy of the business transaction between Asner and Rose. He gave me the shipping order, a certificate of decontamination, and a letter of compliance (see attachments). I brought the three documents with me to the Regional Office where I dated and initialted them on the back before making photocopies of them for the inspection file. Asner Iron and Metal did not have a copy machine. I returned the originals to Mr. Feingold.

Closing Conference

No closing conference was necessary under the conditions of this investigation. I thanked Mr. Feingold for his cooperation, and he signed the Receipt for Samples, and Declaration of Confidential Business Information, and the Summary of Observations at approximately 11:30 a.m. I ended the inspection.

Note: The logistics of this investigation eliminated the selection of sample sequence numbers 01 and -02. There was NO -01 or -02. Sample 03 was documents.

David Phillippi

Biologist

1-2-86

Date

Attachments: TSCA Inspection Documents (5)

Shipping Order/Rose to Asner (December 23, 1985) (1)

Certificate of Decontamination (12-23-85) (1) Correspondence/Rose to Asner (9-4-85) (1)

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2459 Charlotte Street Kenses City, Missouri 64108 \$18) A71-7277

September 4, 1985

Asner Iron Metal Company 34 North James -Kansas City, KS 66118

PEFERENCE: Metal Scrap

ATTENTION: Mr. Buzz Asner

Dear Sir:

The hazardous waste industry is highly regulated both by the Federal Government and the State of Missouri. M.C. Rose Chemicals, Inc.'s facility in Holden, MO falls under the Toxic Substances Control Act (TSCA) of the Federal Government, regulated by the U.S. Environmental Protection Agency and is site specific for PCB disposal only.

All materials arriving at Holden for disposal must be carefully accounted for and rigorously documented. Disposal of any and all materials must be per the "Code of Federal Regulations, Protection of Environment" (40 CFR 761) and the "Missouri Department of Natural Resources".

M.C. Rose Chemicals, Inc. has complied with all the regulations in the past and will continue to comply in the future. Any materials received by your firm have mut standards assigned to M.C. Rose Chemicals, Inc. by the U.S. Environmental Protection Agency.

If you have any further questions or need additional information, please do not hesitate to call me at (816) 732-4117.

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Yours truly,

Dwight E. Thomas

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WASHINGTON). 20460 TOXIC SUBSTANCES CONTROL ACT INVESTIGATION SUMMARY						- 4	on 4	Metal
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WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved
OMB No. 2070-0007
Approvel expires 8-31-85

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1. 18	IVESTIGATION IDENTI	FICATION	2. TIME	3. FIRM NAME				
DATE 27 12/29/3		DAILY SEQ. NO.	9:45A					
	R ADDRESS nesota Avenue City, KS 6610	1		5. FIRM ADDRESS 34 North James Street Kansas City, KS 66101				
				R INSPECTION	· . T.			
L	Inder the authority of	Section 11 of the	Toxic Substance	es Control Act:	· . -			
n e f v	For the purpose of inspecting (including taking samples, photographs, statements, and other inspection activities) an establishment, facility, or other premises in which chemical substances or mixtures or articles containing same are manufactured, processed or stored, or held before or after their distribution in commerce (including records, files, papers, processes, controls, and facilities) and any conveyance being used to transport chemical substances, mixtures, or articles containing same in connection with their distribution in commerce (including records, files, papers, processes, controls, and facilities) bearing on whether the requirements of the Act applicable to the chemical substances, mixtures, or articles within or associated with such premises or conveyance have been complied with.							
٤Dı	n addition, this inspec	tion extends to <i>(C</i>	heck appropriate	e blocks):	·			
	A. Financ	cial data		D. Personnel data				
·	DB. Sales d	lata		☐ E. Research data				
	C. Pricing	deta		: ·				
1	The nature and extent of inspection of such data specified in A through E above is as follows;							
	Sampling of	scrap coppe	er for PCB	residue.				
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INSPECTOR S	IGNATURE			RECIPIENT SIGNATURE	<u> </u>			
D.	il a.P	Religion	<u>.</u>	4. Frin				
NAME D	avid A. Phillip			Howard Feingold				
TITLE		DATES		TIYLE	DATE SIGNED			
. B	iologist	12/2	/85	Manager	12/2/85			
EPA Form 774	10-3 (12-82)				NSPECTION FILE			



INVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

Form Approved
OMB No. 2070-0007 rol expires 8-31-85

TOXIC SUBSTANCES CONTROL ACT

TSCA INSPECTION CONFIDENTIALITY NOTICE

1; 1	NVESTIGATION IDEN	TIFICATION	2. FIRM NAME		
DATE 27 12/19/85	LOO7	DAILY SEQ. NO.	ASNER IRON & METAL		
3. INSPECTOR NAME			4. FIRM ADDRESS		
David A.	Phillippi		## N. James St. Kansas City, KS 66101		
5. INSPECTOR ADDR 726 Minn Kansas C	esota Avenue	1			
	•	-or)	6. CHIEF EXECUTIVE OFFICER NAME Labe Asner		
(913023	6-2838 - Ext.	3701	7. TITLE		

TO ASSERT A CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during inspection of the facility above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the Administrator of the Agency determines that the data contain information entitled to confidential treatment or may be withheld from release under other exceptions of FOIA.

Any or all the information collected by EPA during the inspection may be claimed confidential if it relates to trade secrets or commercial or financial matters that you consider to be confidential business informetion. If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of confidential business information. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information you have claimed as confidential business information.

A confidential business information (CBI) claim may be asserted at any time. You may assert a CBI claim prior to, during, or after the information is collected. The declaration form was developed by the Agency to assist you in asserting a CBI claim. If it is more convenient for you to assert a CBI claim on your own stationery or by marking the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this form. The inspector will be glad to answer any questions you may have regarding the Agency's CBI procedures.

While you may claim any collected information or sample as confidential business information, such claims are unlikely to be upheld if they are challenged unless the information meets the following criteria:

١. Your company has taken measures to protect the confidentiality of the information, and it intends to continue to take such measures.

- The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on showing of special need in a judicial or quesi-judicial proceeding).
- The information is not publicly available elsewhere.
- Disclosure of the information would cause substantial herm to your company's competitive position,

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is confidential business information.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your firm within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive confidential treatment.

The statement from the Chief Executive Officer should be addressed

and mailed by registered, return-receipt requested meil within 7 calender days of receipt of this Notice. Claims may be made any time after the inspection, but inspection data will not be entered into the special security system for TSCA confidential business information until an official confidentiality claim is made. The data will be handled under the agency's routine security system unless and until a claim is made.

TO BE C	OMPLETED BY FACILITY OFFICIAL I have received and read the notice	RECEIVING THIS NOTICE:	: If there is no one on the premises of the facility who is authorized to make business confidentiality claims for the firm, a copy of this Notice and other inspection materials will be sent to the company's chief executive afficer. If there is another company official who should also receive this information, please designate below.		
SIGNATI	YRE/		NAME		
	HEm				
NAME			TITLE		
Howard Feingold					
TITLE		DATE SIGNED	ADDRESS		
	Manager	12/23/85			

INVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved
OMB No. 2070-0007
Approvel expires 8-31-85

DECLARATION OF CONFIDENTIAL BUSINESS INFORMATION

1. INVESTIGATION IDENTIFICATION 2. FIRM NAME INSPECTOR NO.

12/23/85

NO.

LOO7

DAILY SEQ. NO.

01

ASNER IRON & METAL

INSPECTOR ADDRESS 4. FIRM ADDRESS

726 Minnesota Avenue Kansas City, Kansas 66101 34 N. James St.

Kansas Citý, KS 66101

INFORMATION DESIGNATED AS CONFIDENTIAL BUSINESS INFORMATION DESCRIPTION

lone

ACKNOWLEDGEMENT BY CLAIMANT

The undersigned acknowledges that the information described above is designated as Confidential Business Information under Section 14(c) of the Taxic Substances Control Act. The undersigned further acknowledges that he/she is authorized to make such claims for his/her firm.

The undersigned understands that challenges to confidentiality claims may be made, and that claims are not likely to be upheld unless the information meets the following guidelines: (1) The company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures; (2) The information is not, and has not been reasonably attainable without the company's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding); (3) The information is not publicly available elsewhere; and (4) Disclosure of the information would cause substantial harm to the company's competitive position.

INSPECTOR SIGNATURE

zuil a. Phillippe

David A. Phillippi

Howard Feingold

Biologist

Manager

CLAIMANT SIGNATURE

DATE SIGNED 12/23/85

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ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved
OMB No. 2070-0007
Approvel expires 8-31-85

\/LI	RE	CEIPT FOR SAMPLE	S AND DOCUMENTS			
1. IN	VESTIGATION IDENTIF	ICATION	2. FIRM NAME			
DATE 27	INSPECTOR NO.	DAILY SEQ. NO.	ASNER IRON & METAL			
12/23/85-	4007	01				
3. INSPECTOR ADDRE	Š\$		4. FIRM ADDRESS			
726 Minneso	ota Avenue	!	34 North James Street			
Kansas City		01	Kansas City KS 66101			
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	•	eal substances and/or mixt e Toxic Substances Contro	ures described below were collected in conne ol Act.	ection with the		
	RECEIPT OF THE DO	CUMENT(S) AND/OR SAME	PLE(S) DESCRIBED IS HEREBY ACKNOWLEDG	FD:		
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	. Phillippi		Howard Feingold			
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ENVIRONMENTAL PROTECTION AGE!" TSCA INSPECTION SUMMARY OF OBSERVATIONS

Name and Address of Inspector(s) David A. Phillippi (913-236-2838/Ext. 395) Environmental Protection Agency	Name and Address of Facility ASNER IRON & METAL 34 N. James St. Kansas City, KS 66101		
Toxics and Pesticides Branch 726 Minnesota Avenue Kansas City, Kansas 66101	Chief Executive Officer of Firm Labe Asner		
Name of Individual to Whom Notice Given . Howard Feingold	Title Owner		
Title Date 12/23/85	Address As above		

The following possible deviations from the requirements of the Toxic Substances Control Act and regulations promulgated thereto were observed during this inspection:

No Deviations Noted

This summary of observations is provided to bring to your attention those areas of concern at the earliest possible time. It is not intended to be a complete list of deviations from the requirements of the Toxic Substances Control Act and regulations promulgated thereto, but rather a list of those conditions of immediate concern and/or those readily apparent. If you have any questions regarding this summary, please contact the Toxics and Pesticides Section at 816/374-3036.

The undersigned acknowledges having received and read a copy of this TSCA Summary of Observations.

Demary or Cooks vacation		
110-		
HA PART	Manacor	12/23/85
Signature	Title	Date
Signature of Inspector	Alnai Biologist	12/23/85
Signature of Inspector	Title of Inspector	Date
	Distribution	White - Penional Office Con

Yellow - Facility Copy

Pink -Inspector's Copy

PCB INSPECTION REPORT

Martha C. Rose Chemicals, Inc. PCB Division 500 W. McKissock Holden, Missouri 64040

March 17, 1986 Docket Mo. 07-86-T-385 Insp. No. 031786173101

Introduction

An inspection was conducted at the above-named facility to determine if they were still in operation and to follow-up on visits conducted on February 26 & 27, 1986 (Doc. No. 07-86-T-384).

Summary of Observations

On March 17, 1986, at 11:00a.m., I presented myself to Sharon Hays, Receptionist. Mrs. Hays explained that Patrick Perrin, Plant Manager, had gone to Warrensburg to get a haircut and would then have lunch before returning to the plant. I visited with Mrs. Hays awile and left. I returned at 12:40p.m., signed in, and presented my credentials to Mr. Perrin and James V. Carolan, Director of Accounting and Finances. Mr. Perrin signed a Declaration of Confidentiality and a Summary of Observations for the inspection started on February 26, 1986 (copies attached). I then issued him a new Notice of Inspection and Confidentiality Notice, which he signed (copies attached).

Mr. Perrin and I "suited up" and toured the facility. He said the only activity going on was sweeping of the floors and checking PCB items for leaks. Conditions were similar to those reported as observed during the February visits. Deviations from the PCB Rule, 40 C.F.R. Part 761, were still there; some having been reported in December 1985. The facility seemed more crowded than during my previous inspections. Mr. Perrin said that was because items had been removed from trucks on February 28 and other items had been moved around so they could get to a drill press and two lathes which thay wanted to move next door to American Steel. I suggested those items be wipe sampled and solvent washed before moving. As we were walking west along the wall between the storage facility and American Steel, a piece of the tin wall was pulled open and I could see transformers with PCB Mrs on them on the floor on whe American Steel side. I asked Mr. Ferrin why those were over there. He said they had room there and the facility was curbed so he saw nothing wrong with it. He said they were dated and bore manifest numbers. I suggested he move them back into the PCB Division side and document that movement.

Mr. Perrin said the PCB Division was still a live company as far as he knew and he was still its plant manager. We saw noone working in the storage facility. He said there were about 12 employees at American Steel, counting himself and Mrs. Hays.

No samples or photographs were collected.

Discussion with Management

The closing discussion at Martha C. Rose Chemicals, Inc. was with Pat Perrin and Jim Carolan. I asked if they had any financial records at the plant and they replied that those records were maintained in the Kansas City corporate offices. I told them that I had never done a PCB inspection at American Steel and didn't know what that facility was like but did not like the idea of PC3 transformers being stored there. I suggested those transformers be moved into the PC3 storage facility we had just inspected and then move the lathes and drill press into that area after making sure the equipment was decontaminated. Both Mr. Perrin and Mr. Carolan said those tools had not been used in the PCB business.

Mr. Perrin signed the Summary of Observations, Declaration of CBI, and Receipt for Samples.

David A. Ramsey

Consumer Safety Officer

Harch 18, 1986

Attachments: Notice of Inspection

Confidentiality Notice Receipt for Samples Surmary of Coservations Declaration of C3I

FATES form

SEPA

JS ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20450

TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approval expires 8-3:1-85

YEFA	NOTICE OF I	NSPECTION		07-86-T-385
1. INVESTIGATION IDENTIFICATION DATE / INSPECTOR NO. DAILY SEQ. N	2. TIME	3. FIRM NAME C. ROS	E CHEM	ICALS, INC.
3/17/86 1781 01	12:45 pm	PCB DIVISION	····	
1. INSPECTOR ADDRESS 726 NINNESOTA		5. FIRM ADDRESS 500 W. Mc.Ki	SOCK	
KANISAS CITY KS 66	101	HOLDEN, MO	64040	
KANSAS GITY, 103 66		/ / /		
	REASON FO	R INSPECTION -	,	
Under the authority of Section 11 of	the Toxic Substance	es Control Act :		
For the purpose of inspecting (include ment, facility, or other premises in wessed or stored, or held before or after facilities) and any conveyance being with their distribution in commerce requirements of the Act applicable to conveyance have been complied with	which chemical substater their distribution in used to transport che (including records, find the chemical substant).	ances or mixtures or articles coin commerce (including records emical substances, mixtures, or les, papers, processes, controls, ances, mixtures, or articles with	ntaining same s, files, papers, articles conta , and facilities	are manufactured, proc- processes, controls, and ining same in connection bearing on whether the
In addition, this inspection extends t	o (Check appropriate	e blocks):		
		D. Personnel data		
☐ B. Sales data		☐ E. Research data		
. C. Pricing data	•	· · · · · · · · · · · · · · · · · · ·	•	
The nature and extent of inspection	of such data specifie	d in A through E above is as fo	illows;	
NSPECTOR SIGNATURE		RECIPIENT SIGNATURE	5	
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DAVID A. RAMSEY	,	PATRICK P	ERRIN	•
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INCRECTION CONCINENTIAL ITY NOTICE

TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approvel expires 8-31-85

13	CA INSPECTION C	UNFIDENTIALITY NOTICE 10/36-7-36
1. INVESTIGATION IDENT	TIFICATION	- 2. FIRM NAME C. ROSE CHEMICALS, INC.
DATE 1786 1781	DAILY SEQ. NO.	
3/17/86 1781	0/	PCB DIVISION
3. INSPECTOR NAME		4. FIRM ADDRESS
DANID A. RAMSEY	•	500 W. McKissock
IMULD M. KMUSEY		
5. INSPECTOR ADDRESS		HOLDEN, MO 64040
726 MINNESOTA		
V D V. I	(101 .	6. CHIEF EXECUTIVE OFFICER NAME
KANSAS CITY, KS 60	6/0/	WALTER C. CAROLAN
		7. TITLE
		PRESIDENT

TO ASSERT A CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during inspection of the facility above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the Administrator of the Agency determines that the data contain information entitled to confidential treatment or may be withheld from release under other exceptions of FOIA.

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- The information is not publicly available elsewhere.
- Disclosure of the information would cause substantial herm to your company's competitive position.

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The statement from the Chief Executive Officer should be addressed

FOIA OFFICER - EPA 726 MINNESOTA KANSAS CITY, KS 6610/

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this Notice. Claims may be made any time after the inspection, but inspection data will not be entered into the special security system for TSCA confidential business information until an official confidentiality claim is made. The data will be handled under the agency's routine security system unless and until a claim is mede.

TO BE COMPLETED BY FACILITY OFFICIAL F	ECEIVING THIS NOTICE:	If there is no one on the premises of the facility who is authorized to make business confidentiality claims for the firm, a copy of this Notice and other inspection materials will be sent to the company's chief executive officer. If there is another company official who should also receive this information, please designate below.
Satural & Ceru	\supset	NAME
PATRICK PERRIN		TITLE
PLANT NER	3/17/86	ADDRESS

SEPA

JS ENVIRONMENTAL PROTECTION AGENCY, WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approval expires 8-31-85

30	DECLARATION OF	CONFIDENTIAL BUSINESS INFORMATION 07-86-7-383
, 1. IN	VESTIGATION IDENTIFICATION	
DATE /	INSPECTOR NO. DAILY S	
3/17/86	1781 0	PCB DIVISION
3. INSPECTOR ADDRE		4. FIRM ADDRESS
726 MIN	NES OTT	500 W. McKissock
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KANSAS CI	TY, KS 66101	HOLDEN, MO 64040
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	Act	NOW! EDGEMENT BY CLAIMANT

The undersigned acknowledges that the information described above is designated as Confidential Business Information under Section 14(c) of the Toxic Substances Control Act. The undersigned further acknowledges that he/she is authorized to make such claims for his/her firm.

The undersigned understands that challenges to confidentiality claims may be made, and that claims are not likely to be upheld unless the information meets the following guidelines: (1) The company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures; (2) The information is not, and has not been reasonably attainable without the company's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding); (3) The information is not publicly available elsewhere; and (4) Disclosure of the information would cause substantial harm to the company's competitive position.

INSPECTOR SIGNATURE		CLAIMANT SIGNATURE	E best
DAVID A. RAM	sey ,	PATRICK PA	ERNIN
TITLE CO	3/17/86	RANT MER-	3/17/86
			INSPECTION ELLE

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EPA Form 7740-1 (12-82)

S ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved
OMB No. 2070-0007
Approvel expires 8-31-85

MASPEOTION FILE

ACL	RI	ECEIPT FOR SAMP	LES AND DOCUMENTS	07-86-7-385
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3/17/8h	178/	DAILY SEC. NO.	PCB DIVISION	•
3. INSPECTOR ADDR	ESS			
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KANSAS	Ciry, Ks	66/01	Howev, Mo 64040	
		cal substances and/or mi e Toxic Substances Con	xtures described below were collected in a trol Act.	onnection with the
	RECEIPT OF THE DO	CUMENT(S) AND/OR SA	MPLE(S) DESCRIBED IS HEREBY ACKNOWL	EDGED:
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NAME	1		NAME	
DAVID 1	A. RAMSEY		PATRICK PER	RIN
TITLE	•	DATE SIGNED	TITLE	DATE SIGNED
CSO		3/17/86	SEANT NIGR.	3/17/86

U.S. ENVIRONMENTAL PROTECTION TSCA INSPECTION SUMMARY OF OBSERVATIONS

07-86-T-385

Name and Address of Facility MARTHA C. ROSE CHEMICALS, INC. PCB DIVISION 500 W. MCKISSOCK HOLDEN, MISSOURI 64040
Chief Executive Officer of Firm Warren C. Canolad
Title President
Address

The following possible deviations from the requirements of the Toxic Substances Control Act and regulations promulgated thereto were observed during this inspection:

PLANT IS NOT IN OPERATION. TO THE EXTENT THAT PCB ITEMS ARE NOT MOVING IN OR OUT OR BEING PROCESSED. FLOORS ARE BEING SWEDT of ITEMS ARE BEING CHECKED FOR LEAKS.

This summary of observations is provided to bring to your attention those areas. of concern at the earliest possible time. It is not intended to be a complete list of deviations from the requirements of the Toxic Substances Control Act and regulations promulgated thereto, but rather a list of those conditions of immediate concern and/or those readily apparent. If you have any questions regarding this summary, please contact the Toxics and Pesticides Section at 816/374-3036.

The undersigned acknowledges having received and read a copy of this TSCA Summary of Observations.

Catril & Com	RANT MGA	e. 3/17/86
Signature	Title	Date / O/
Signature of Inspector	Title of Inspector	3//7/66 Date/
	Distribution:	White - Regional Office Con

Yellow - Facility Copy Inspector's Copy

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ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENFORCEMENT NATIONAL ENFORCEMENT INVESTIGATIONS CENTER BUILDING 53, BOX 25227, DENVER FEDERAL CENTER DENVER, COLORADO 80225

10

Leo Alderman, Chief

Toxics and Pesticides Branch, Region VII

.DATE. February 12, 1986

FROM :

Dean F. Hill, Chief Om 1 Will

Pesticides and Toxic Substances Branch

SUBJECT:

Results of Polychlorinated Biphenyl Analyses

Attached is the analytical report for the determination of polychlor-inated biphenyls—(PCBs) in samples taken by your office in connection with official investigations at the following site:

Asner Iron & Metal

In summary, PCBs were detected in all of the samples. The wipe control sample contained 8 ug or more of Aroclor 1260. The two wipe samples also contained high levels of the PCB Aroclor 1260, thus the results for the wipe samples should be considered unreliable.

Please advise if you have any questions regarding these analyses and when we may dispose of the remainder of the samples.

Attachment

cc: David R. Tripp, Regional Counsel, Region VII

RECEIVED

FEB 24 1986

TOXICS & PESTICIDES
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"ENFORS MENT SENSITIVE"

ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENFORCEMENT NATIONAL ENFORCEMENT INVESTIGATIONS CENTER BUILDING 53, BOX 25227, DENVER FEDERAL CENTER DENVER, COLORADO 80225

Dean F. Hill

DATE

February 3, 1986

FROM

Kenneth Wang

SUBJECT.

Results of PCB Analysis of Samples from Asner Iron & Metal

On January 3, 1986 three wipe and five copper strip samples were received under official custody seal from Region VII. These samples were from Asner Iron & Metal. Analysis was requested for polychlorinated biphenyls (PCBs).

All five copper strip samples contained high levels of the PCB Aroclor 1260. The results are given below.

Sample Number	Type of Sample	Concentration of Aroclor 1260, ug)
12278540070104	wipe	NR.	
12278540070105	wipe	NR	
12278540070106	wipe control	NR.	
12278540070107	copper strip	3500	
12278540070108	copper strip	29000	
12278540070109	copper strip	40000	
12278540070110	copper strip	. 230	
12278540070111	copper strip	15000	

MR = Detectable levels of PCB, but not report.

The copper strip sample was extracted with hexane which was then cleaned with sulfuric acid and analyzed by electron-capture gas chromatography. A solvent blank was analyzed with the samples and it did not contain any significant interferences. Since the entire sample was extracted with hexane during the analysis it was not possible to analyze any spiked or duplicate samples. Sample -10 was diluted with hexane in two different dilutions with results of 240 and 220 ug for an average of 230 ug of Aroclor 1260.

Add to: 1 p. No. 010786178101 Luc. No. 07-86-7-382

DAR 1/6/86

2459 Charlotte Street Kensas City, Missouri 84108 (816) 471-7227

January 13, 1986

CERTIFIED/REGISTERED No. P506 655 464

Mr. David A. Ramsey, Inspector
United States Environmental Protection Agency
Region VII
1103 SW Boulevard
Jefferson City, MO 65102

Dear Mr. Ramsey:

The purpose of this letter is to express the concern of Rose Chemicals regarding EPA observations which indicate possible or perceived deviations from the requirements of the Toxic Substances Control Act. These observations were made during your recent plant inspection of 1/7/86 and earlier inspection of 12/19/85, respectively.

As expressed in EPA policy contained within the document TSCA SUMMARY OF OBSERVATIONS, "This summary of observations is provided to bring to your attention those areas of concern at the earliest possible time..." In light of this, Rose Chemicals is making every effort to alleviate these possible deviations in an expediate manner.

Should you care to discuss this subject in further detail, please contact us at your earliest convenience.

Sincerely.

Pat Perrin

Facility Manager

PP/tew

cc: Rubin McCullers Leo Alderman

2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

REC'D.

1366

January 8, 1986

air **& Water**

United States Environmental Protection Agency Region VII 726 Minnesota Avenue Kansas City, KS 66101

Attn: Henry F. Rompage

Attorney

Office of Regional Counsel

Dear Mr. Rompage:

Confirming our telephone conversation of January 8, 1986 Rose Chemicals has withdrawn a Confidential Business Information request which had previously been notated with respect to an Environmental Protection Agency plant inspection on January 7, 1986.

Both Rose Chemicals and the Environmental Protection Agency have agreed in principal to modify this request so that samples taken at the plant inspection may be handled in a routine manner.

Sincerely yours,

J. Bryan Carolan

JBC/tls

cc: D. Thomas

P. Perrin

File Pare

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Pat Perrin Facility Manager Martha C. Rose Chemical Co. 2459 Charlotte St. Kansas City, Missouri 64108

Dear Mr. Perrin:

This is in response to your January 13, 1986, letter concerning observations of possible violations made during recent EPA inspections.

Based upon a cursory review of these inspections, it appears that you are using containers for the storage of PCBs which do not meet the container requirement of 40 C.F.R. §761.65(c)(6). These regulations require that only the Department of Transportation (DOT) specification containers listed be used unless alternate containers have been approved by EPA and DOT. Containers listed on the Summary of Observation have not been approved as alternatives.

Inasmuch as storage of PCB material, such as capacitor cores and PCB debris in paper sacks, wooden crates, and metal bins is improper storage, and shipment of such containers would represent improper distribution in commerce, you should take corrective action immediately. You are reminded that the improper containers should also be properly stored and disposed.

Other observations noted during the inspections include PCB containers and PCB items stored for more than one year and damaged curbing that had not been fully repaired.

This letter does not preclude us from taking any further action based on the recent EPA inspections of your facility.

If you have any questions, contact Ruben McCullers of my staff, at (913)236-2835 or the above address.

Sincerely yours,

Leo J. Alderman Chief, Toxics and Pesticides Branch Air and Toxics Division

bcc: C.E. Poindexter
ARTX/TOPE/CPTA/:RBMcCullers:cdr:2-5-86:x457

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Ha position on 3 issues Re: Jaint PCB Operationi and responsibilities.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

DEC 1 3 1985

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Mr. Eliot Cooper
Manager
Environmental Affairs
Waste-Tech Services, Inc.
445 Union, Suite 223
Lakewood, Colorado 80228

Dear Mr. Cooper:

This letter confirms the information that was provided to you in our December 3, 1985, meeting regarding the RCRA permitting issues which were raised in your letter of October 21, 1985. In that correspondence you presented three RCRA permit issues regarding on-site treatment by fluidized bed incineration and your interpretations of those issues. Our response to those issues are as follows:

Issue 1: "Waste-Tech Services will own and operate the incinerator on the leased property of the generator. Waste-Tech Services will be applying for all environmental permits to be issued to Waste-Tech Services."

Under 40 CFR \$270.10, both the owner and the operator of the facility must sign the RCRA permit and are subject to the conditions of the regulation. Although Waste-Tech Services will be the owner and operator of the hazardous waste incinerator, it is not the sole owner or operator of the facility under RCRA. "facility" is defined under \$260.10 as "...all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste." Therefore, the generator's property (including property leased to Waste-Tech Services for the unit) will be considered the "facility" under Subtitle C of RCRA (\$260.10) and the generator, as owner of the land, and Waste-Tech Services, as the operator of the incineration unit, must sign the permit for the incinerator. As a matter of general policy, the owner or operator of the facility will include: the owner of the land, the owner of the structures (e.g., the incinerator unit) and the operator of the facility or unit (45 FR 33169, May 19, 1980). The ownership status of the property for purposes of RCRA permit signatory requirements will be determined based on State and Federal laws and the terms of agreement between the parties. Clarification

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DEC 17 1985

of the issue of who is the "owner" of the facility is provided in the Regulation Interpretation Memorandum which was published in 45 FR 74489, November 10, 1980. A copy of that memorandum is enclosed.

Issue 2: "Waste-Tech Service's incineration facility will be located on the generator's property leased to Waste-Tech Services. Waste will never cross any public highway or leave the generator's property. Therefore, manifesting of the waste transferred from the generator to Waste-Tech Services will not be required."

Answer: The issue, as stated, is correct. On-site treatment of hazardous waste is excluded from the manifest requirements in \$260.10.

Issue 3: "Waste-Tech Services will be incinerating waste materials on-site at a generator's facility. Waste-Tech Services contractual relationship with the generator requires that the generator assume all responsibility for the proper treatment and disposal of incinerator residuals, including bed material, ash, and scrubber waste water sludge."

"Since the generator already has implace a closure plan that accounts for all the wastes that are generated on site, and assumes responsibility for all residuals resulting from incineration of their waste, Waste-Tech Services closure plan will only address the costs necessary to decontaminate our equipment and ensure that our leased site has not been contaminated."

Answer: Issue 3 is directly related to the issue of permit signatories which is discussed under Issue 1. Since both Waste-Tech Services and the owner of the property must sign the permit, they will be jointly and severally responsible for all RCRA requirements which include, but are not limited to, the treatment, storage, and disposal of residue resulting from incineration, since the residue is a hazardous waste (\$261.3), and the removal of incinerator residue from the incinerator site for closure of the unit (\$264.351).

The generator and Waste-Tech Services may use a contractual agreement to determine who prepares the permit application and who carries out the conditions of the permit (e.g., performance of closure plan). This agreement, however, does not eliminate liability incurred by either the owner or the operator of the facility. Although the contract may provide for a division of responsibility and liability, EPA may, if necessary, bring enforcement actions against all responsible parties involved (45 FR 33169, May 19, 1980).

In conversations that you have had with members of my staff you have indicated that you are considering using fluidized bed incinerators for mobile treatment of hazardous waste. I would like to point out that my Division is presently conducting a study to develop procedures for facilitating the permitting of mobile treatment units and invite you to discuss any additional issues on this subject with Nancy Pomerleau at 202/382-4500. Technical questions about the RCRA incinerator requirements should be addressed to Robin Anderson at 202/382-4498.

Sincerely,

Bruce R. Weddle

Director

Permits and State Programs Division

Enclosures:

FR Notice, November 10, 1980, 40 CFR Part 122

Summary of meeting with Waste-Tech Services on December 3, 1985

cc: Peter Guerrero

Art Glazer Robin Anderson Nancy Pomerleau

Carrie Wehling (LE-132S)

Hazardous Waste Branch Chiefs, Regions I-X

ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENFORCEMENT NATIONAL ENFORCEMENT INVESTIGATIONS CENTER BUILDING 53, BOX 25227, DENVER FEDERAL CENTER DENVER, COLORADO 80225

Dean F. Hill

DATE: October 10, 1985

FROM: K.E. Nottingham KEN

SUBJECT. Results of PCB Analysis of Samples from 3005 Manchester

On October 1, 1985 seven swab samples were received under official custody seal from Region VII. These samples were identified as being from 3005 Manchester. Analysis was requested for polychlorinated biphenyls (PCBs).

All seven swabs contained detectable levels of various Aroclors. The results are given below.

Sample Number	Amount of Total PCB per 100 cm ² , ug/100 cm ²	Major Aroclors Present		
092385400701-02	24	1242, 1254, 1260		
092385400701-03	29,000	1242 1254		
092385400701-04	200	1242 . 1254		
092385400701-05	110	1242, 1254, 1260		
092385400701-06	19	1242, 1254, 1260		
092385400701-07	2,500	1254		
092385400701-08	270	1242, 1254		

All seven swabs were listed as having covered an area of 100 ${\rm cm}^2$.

The swabs were washed with hexane which was analyzed on an electron-capture gas chromatograph. A solvent blank was analyzed with the swabs and it did not contain any significant interferences. Since the entire sample was consumed in the analysis it was not possible to analyze any spiked or duplicate samples.

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TSCA INSPECTION REPORT

Rig Industries 3005 Manchester Kansas City, Mo. 64129 (923-3600)

December 17, 1985 Inspection No. 121785400701 Docket No. 07-86-T-418

Introduction

This was a Region VII for cause inspection of Rig Industries conducted to gain information on metal which was to be cleaned to specifications of a Region VII permit held by Rose Chemical Company. The specific goal of the inspection was to obtain written documentation identifying the generator of the metal.

Persons Interviewed and Individual Responsibilities

Mr. Richard Galamba

President, Rig Industries

Inspection

At approximately 3:35 p.m. Tuesday, December 12, 1985, I, David Phillippi arrived at Rig Industries and presented my credentials to Mr. Richard Galamba, President of Rig Industries. Mr. Galamba signed a Notice of Inspection at 3:40 p.m. and gave me a copy of a scale ticket (attached) for the specific load of scrap which had been swab sampled by me on September 23, 1985. I initialed and dated the back of his original and returned it to him.

I presented Mr. Galamba with a receipt for the scale ticket, he signed it, and I ended the inspection at approximately 3:50 p.m.

12-19-85

Attachments: FATES Form (1)

TSCA Inspection Documents (2)

Scale Ticket issued to Asner Iron & Metal (1)

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ENVIRONMENTAL PROTECTION AGENCY

Form Approved
OMB No. 2070-0007
Approval expires 8-31-85

TOXIC SUBSTANCES CONTROL ACT NOTICE OF INSPECTION 1. INVESTIGATION IDENTIFICATION 2. TIME INSPECTOR NO. DAILY SEQ. NO. DATE 3:40PM - Rigg Indust. 12-17-85 4007 3005 Manchester MIN AUR. REASON FOR INSPECTION Under the authority of Section 11 of the Toxic Substances Control Act: For the purpose of inspecting (including taking samples, photographs, statements, and other inspection activities) an establishment, facility, or other premises in which chemical substances or mixtures or articles containing same are manufactured, processed or stored, or held before or after their distribution in commerce (including records, files, papers, processes, controls, and facilities) and any conveyance being used to transport chemical substances, mixtures, or articles containing same in connection with their distribution in commerce (including records, files, papers, processes, controls, and facilities) bearing on whether the requirements of the Act applicable to the chemical substances, mixtures, or articles within or associated with such premises or conveyance have been complied with. In addition, this inspection extends to (Check appropriate blocks): ☐ D. Personnel data ☐ A. Financial data B. Sales data E. Research data C. Pricing data The nature and extent of inspection of such data specified in A through E above is as follows: Obtain Scale Ticket "ENFORCEMENT SENSITIVE" INSPECTOR SIGNATURE Galamba

SEPA

ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

Form Approved OMB No. 2070-0007 Approval expires 8-31-85

TOXIC SUBSTANCES CONTROL ACT

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TSCA INSPECTION REPORT

Rig Industries 3005 Manchester Trafficway Kansas City, Missouri 64129 (923-3600) Docket No. VII-85-T-516 Insp. No. 092385400701 Date: 9-23-85

Introduction

This was a regional "associated" inspection conducted at Rig Industries to check the level of contamination on scrap metal sent to the facility by Rose Chemical of KC, Mo. Contamination of 100 cm2 swab areas is used to determine compliance with provisions of permits issued by Region VII as well as compliance with 40 C.F.R., Part 761.3.

Persons Interviewed and Individual Responsibilities:

The only individual interviewed was Mr. Richard Galamba, President of Rig Industries.

Inspection

At approximately 3:30 p.m., Monday, September 23, 1985, Mr. C.E. Poindexter and I, David Phillippi, presented our credentials to Mr. Richard Galamba, President of Rig Industries at 3005 Manchester Traffic-way. Mr. Galamba signed a Notice of Inspection and Notice of Confidentiality at approximately 3:40 p.m.

Mr. Ruben McCullers, Region VII PCB Coordinator had been in contact with Mr. Galamba previously and had asked him to call when a load of scrap arrived from any PCB disposal facility. A load of rinsed, flattened drums and rinsed capacitor cans had just arrived (September 23) from Rose Chemical.

Mr. Galamba took us to the scrap from Rose Chemical which had been transported by Asner Iron & Metal of KC, KS. I asked for a copy of the scale ticket from Asner Iron & Metal and Mr. Galamba agreed to give us one, but we both forgot it. It will be added to the inspection file at a later date.

I took swab samples of 100cm2 areas (determined by vernier caliper and dilineated by knife scratches). I took samples 092385400701-02, 03, 04, and 05 from flattened drums (see photos 1 & 2) and swab samples 06,07, 08 from cut and rinsed capacitor cans (see photo 3).

Mr. Galamba signed the Declaration of Confidential Business Information, The Receipt for Samples, and the Summary of Observations at approximately 4:15 p.m. and Mr. Poindexter and I ended the inspection.

Inspection No. 092385400701

Closing Conference:

A closing conference was not necessary under the existing conditions.

Attachments: TSCA Inspection Documents (5)

Photos

Compliance Enforcement Officer

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RONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved
OMB No. 2070-0007

NOTICE	OF I	NS	PEC'	TIO
2. TIME		3.	FIRM	NAN

1. INVESTIGATION IDENTIFICATION DATE INSPECTOR NO. DAILY SEO. NO. 23-85 4. INSPECTOR ADDRESS

KE, KS.

MN. Ave

Rigg Industries

Richard Fralatube KC-1110

REASON FOR INSPECTION

Under	the	authority	of	Section	11	of	the	Toxic Substar	ıces	Control	Act:

66101

For the purpose of inspecting (including taking samples, photographs, statements, and other inspection activities) an establishment, facility, or other premises in which chemical substances or mixtures or articles containing same are manufactured, processed or stored, or held before or after their distribution in commerce (including records, files, papers, processes, controls, and facilities) and any conveyance being used to transport chemical substances, mixtures, or articles containing same in connection with their distribution in commerce (including records, files, papers, processes, controls, and facilities) bearing on whether the requirements of the Act applicable to the chemical substances, mixtures, or articles within or associated with such premises or conveyance have been complied with.

In addition, this inspection extends to (Che	ck appropriate blocks):
A. Financial data	D. Personnel data
B. Sales data	E. Research data

C. Pricing data

The nature and extent of inspection of such data specified in A through E above is as follows;

B. - Sales data on everning ecrop - Cire shipment only -

"ENFORCEMENT SENSITIVE"

Phillips

Richard Galamba

DATE SIGNED

INSPECTION FILE

IONMENTAL PROTECTION AGENCY

TOXIC SUBSTANCES CONTROL ACT

Form Approved
OMB No. 2070-0007
Approval expires 8-31-85

DECLARATION OF CONFIDENTIAL BUSINESS INFORMATION

2. FIRM NAME T. INVESTIGATION IDENTIFICATION INSPECTOR NO DAILY SEQ. NO. 9-23-85
3. INSPECTOR ADDRESS 01 726 MIN AUR. 3005 66101 KS KC INFORMATION DESIGNATED AS CONFIDENTIAL BUSINESS INFORMATION DESCRIPTION NO. 01

ACKNOWLEDGEMENT BY CLAIMANT

The undersigned acknowledges that the information described above is designated as Confidential Business Information under Section 14(c) of the Toxic Substances Control Act. The undersigned further acknowledges that he/she is authorized to make such claims for his/her firm.

The undersigned understands that challenges to confidentiality claims may be made, and that claims are not likely to be upheld unless the information meets the following guidelines: (1) The company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures; (2) The information is not, and has not been reasonably attainable without the company's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding); (3) The information is not publicly available elsewhere; and (4) Disclosure of the information would cause substantial harm to the company's competitive position. STIIVE"

"ENFURCEMENT"			
INSPECTOR SIGNATURE		CLAIMANT SIGNATURE	۵, ۷
Quiet I hall	linger	الماكر	
NAME	//	NAME	
Dovid A. PA		Richard	Galamba
TITLE DOM		TITLE	DATE SIGNED
Ent. Officer	9-23-85	tres	9-23-85

U.S 'NVIRONMENTAL PROTECTION AGENCY TSCA INSPECTION SUMMARY OF OBSERVATIONS

Name and Address of Inspector(s) David R. Philippi C.E. Poingexter Environmental Protection Agency Toxics and Pesticides Branch	Name and Address of Facility Rig Industries 3005 Manchester KE MD 64129
726 Minnesota Avenue Kansas City, Kansas 66101	Chief Executive Officer of Firm Rictional Galain ba
Name of Individual to Whom Notice Given Richard Galamba	Pres.
Title Date 9-23-85	Address Hs Above

The following possible deviations from the requirements of the Toxic Substances Control Act and regulations promulgated thereto were observed during this inspection:



This summary of observations is provided to bring to your attention those areas of concern at the earliest possible time. It is not intended to be a complete list of deviations from the requirements of the Toxic Substances Control Act and regulations promulgated thereto, but rather a list of those conditions of immediate concern and/or those readily apparent. If you have any questions regarding this summary, please contact the Toxics and Pesticides Section at 816/374-3036.

The undersigned acknowledges having received and read a copy of this TSCA Summary of Observations.

Summary of Observations.		
Will !	Fres.	9-23-85
Signature	Title	Date
Signature of Inspector	Enforcement Within	9-23-85
Signature of Inspector //	Title of Inspector	Date
		- Regional Office Com

Distribution: White - Regional Office Copy
Yellow - Facility Copy

Pink - Inspector's Copy

SEPA

RONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approval expires 8-31-85

DECEIPT EOD SAMDI ES AND DOCIMENTS

RECEIPT FOR SAMPLES AND DOCUMENTS						
1. INVESTIGATION IDENTIFICATION	2. FIRM NAME					
DATE INSPECTOR NO. DAILY SEQ. NO.	Rig Industries					
9-23-85 4007 01	119 +40,43,11					
	14. FIRM ADDRESS					
3. INSPECTOR ADDRESS	4. Finm Address					
126 KIN Ave	3005 Manchester					
7,000						
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KC KS 66101	AC 1110 67121					
7						
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The documents and samples of chemical substances and/or mix	ctures described below were collected in connection with the					
administration and enforcement of the Toxic Substances Conti	rol Act.					
RECEIPT OF THE DOCUMENT(S) AND/OR SAM	IPLE(8) DESCRIBED IS HEREBY ACKNOWLEDGED:					
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Rig Industries Insp No. 092385400701



lo Drums from Rose Chem at Rig Industries

2. Same as # 1

3. Copacitor Cons from Rose Chemical at Rig Industries

Asner IRON & METAL COMPANY

BUYERS AND SELLERS OF SCRAP OF ALL TYPES

34 North James Street

281-4000

Kansas City, Kansas 66118

December 18, 1985

I, Heward Feingold, make the following statement to David Phillippi, who has indentified himself to me as an enforcement officer of the U.S. E.P.A.

The check photographed by Mr. Phillippi, payable to Robe Chemical Co., in the amount of \$158.85, was payment for scrap metal transported by Rose Chemical Co. to Luria Bros., in Kansas City, Mc., on Sertember 23, 1985. Asner Iron & Metal Co. acted as a broker in this transaction and did not see, handle or transport the shipment.

The ψ 206.70 payment shown on Luria Bros. scale ticket (Haterial #2-9-23-35-10,590 lbs.) is the amount taid Asner Iron & Hatal Co. for the shipment described above.

The Above is accurate and true to the best of my knowledge.

12-13-35

Howard Peingold

Hanager Asner Iron & Metal Co.

hur 10 1 Hillinger 12-13-85

David A. Phillippi

Comp. Enf. Ofricar

DEALERS IN

IRON, METAL AND PIPE

NO. 32-52 NORTH JAMES ST. 913-281-4000

KANSAS CITY, KANSAS 661.18

December 18, 19 85 1010

Rose Chemical Co. RIFFAL @ 158 DOLS 85 CTS

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caw Valley State Bank & Trust

#033946# #101001021#

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TSCA INSPECTION REPORT

Asner Iron & Metal 34 N. James Street Kansas City, Kansas 66101 Date: 12-18-85
Inspection No. 121885400701
Docket No. 07-86-T-419

Introduction

This was a Region VII for cause inspection of Asner Iron & Metal to document the generator of a load of scrap delivered to Rig Industries on 9-23-85.

Persons Interviewed and Individual Responsibilities

Howard Feingold - Manager, Asner Iron and Metal

Labe Asner - Owner, Asner Iron and Metal

Inspection

At approximately 10:30 a.m. Friday, December 18, 1985, I, David Phillippi presented my credentials to Howard Feingold, Manager of Asner Iron and Metal and told him the nature of my investigation. Mr. Feingold signed a Notice of Inspection at approximately 10:40 a.m.

Mr. Feingold said that Asner Iron and Metal had acted only as a broker in the transfer of scrap metal from Rose Chemical CO. to Luria Brothers and Company Inc. (Rig Industries). He said the metal had been transported on Rose Chemical's truck directly to Luria Brothers. The attached scale ticket from Luria Brothers shows Asner Iron & Metal as "owner" of the metal only because they were acting in the capacity of a broker. The \$206.70 shown on the ticket is the amount paid to Asner Iron & Metal for the load of scrap.

I told Mr. Feingold that Richard Galamba at Luria Brothers (Rig) had identified Rose Chemical as the generator and transporter of the scrap metal in question and asked if he would have some written documentation in his records which would likewise identify the generator of the scrap. He said that a cancelled check to Rose Chemical from Asner Iron and Metal would include payment made to Rose Chemical for the scrap, but that the check would also include payment for other transactions made during the billing period. Mr. Feingold searched his records and found that Rose Chemical had not yet been paid for this particular load of scrap. He wrote the check to Rose Chemical in the amount of \$158.85 and had a photocopy of it made for me.

I asked Mr. Feingold if he would be willing to sign a statement concerning the transaction. He said he would.

Having overheard conversations in the office, I realized Mr. Feingold had urgent business elsewhere and told him the preparation of the statement would take several minutes and that I had to attend a meeting downtown in the afternoon. If he wished to take care of his business, and it was acceptable to Mr. Asner and him, I would prepare the statement and leave it with Mr. Asner for him (Mr. Feingold) to sign, and pick it up on the way to the meeting.

"ENFORCEMENT SENSITIVE"

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That was acceptable. I prepared the statement in longhand, but when I returned at about 2:30 p.m. Mr. Feingold had typed it on a company letterhead and signed it. He signed a receipt for the statement and the photocopy of the check at 2:45 p.m. and I ended the inspection.

David Phillippi

Biologist

-12-19-85 Date

Attachments:

TSCA Inspection Documents (2)
Photocopy of check no. 33946/Asner Iron & Metal
Scale Ticket/Luria Brothers
Statement/Howard Feingold

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O EDA	VT-ENVIRONMENTAL F WASHINGTO	ROTECTION AGENCY N, DC 20460		Form Approved
	.' TOXIC SUBSTANCE	S CONTROL ACT	* i ·	OMB No. 2070-0007 Approval expires 8-31-85
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KE, KS E	6101	KC	KS	66101
	REASON FO	R INSPECTION		
Under the authority of Section	11 of the Toxic Substance	es Control Act :		•
Onder the authority of Section	TO the TOXIC Substance	a donard Act.		
For the purpose of inspecting (ment, facility, or other premise essed or stored, or held before of facilities) and any conveyance of with their distribution in common requirements of the Act application conveyance have been complied.	s in which chamical substron or after their distribution being used to transport ch nerce (including records, fi able to the chemical substr	inces or mixtures or arti in commerce (including emical substances, mixtules, papers, processes, ca	cles containing sam records, files, paper ures, or articles con portrols, and facilitie	e are manufactured, proc- rs, processes, controls, and taining same in connection es) bearing on whether the
☐ In addition, this inspection ext	ends to (Check appropriat	e blocks):		
☐ A. Financial data		D. Personnel data		
28. Sales data		☐ E. Research data		•
☐ C. Pricing data	•			
The nature and extent of inspe	ction of such data specifie	d in A through E above	is as follows;	~
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"ENFORCEMENT SENS	ITIVE"			
				

EPA Form 7740-3-112-821

David A. Phillippi David A. Phillippi Biologist 12-18-8

Howard Feinige ld

TITLE

Mgr | DATE SIGNED

12-18-8.

INSPECTION FILE

9	
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IVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approval expires 8-31-85

RECEIPT FOR SAMPLES AND DOCUMENTS

1. IN DATE 12-18-85	VESTIGATION IDENTII INSPECTOR NO. リイののグ	DAILY SEQ. NO.	Asner Iron + M	1etal.	
3. INSPECTOR ADDRES	MN Aue		34 N. James		
KC,	KS 60	6101	KC, KS 6	6101	
	•	al substances and/or mixte Toxic Substances Contro	ures described below were collected in conn ol Act.	ection with the	
***	RECEIPT OF THE DO	CUMENT(S) AND/OR SAMP	PLE(S) DESCRIBED IS HEREBY ACKNOWLEDGE DESCRIPTION	BED:	
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	Statem	ent of t	Howard Feingold	· ;	
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OPTIONAL:			. /		
DUPLICATE OR SPLIT SAMPLES: REQUESTED AND PROVIDED NOT REQUESTED					
David G. Phillian RECIPIENT SIGNATURE					
David	A. Phi.	lijepi	Howard Feingol		
Biologis	+	12-18-85	Mgr.	12-18-85	

TSCA INSPECTION REPORT

Asner Iron & Metal 34 N James . Kansas City, Kansas 66101 Inspection No. 103885400701 Docket No. VII-86-T-032 Date: 10-28-85

Introduction

This was a "for cause" Region VII inspection of Asner Iron & Metal to gain information on scrapped metal from PCB Inc., Kansas City, Missouri. The metal had been transported on Asner's truck and was found by Region VII sampling (Inspection No. 092385400701) to be contaminated. Asner Iron & Metal routinely buys scrap metal from Rose Chemical of Kansas City, Mo.

Summary of Possible Violations

None noted during the course of the inspection.

Persons Interviewed and Individual Responsibilities

Howard Feingold - Manager, Asner Iron and Metal

Lable Asner - Owner, Asner Iron and Metal

Inspection

October 28, 1985, at approximately 1:30 p.m., I David Phillippi, presented my credentials to Howard Feingold, Manager of Asner Iron and Metal, at 34 N. James St. in Kansas City, Kansas.

When presented the Notice of Inspection Mr. Feingold went to consult the owner, Mr. Labe Asner. They told me their attorney had advised them to sign nothing until he had an opportunity to examine it. I removed the yellow "facility copy" from a full set of inspection documents and left the copies for examination by the attorney. I made an appointment for 8:00 a.m., October 31, to do the Inspection.

October 31, at 8:00 a.m. I arrived at Asner Iron and Metal. Mr. Feingold had gone to the dentist and had the document copies with him. I returned again at 9:40 a.m., October 31. Mr. Feingold signed the Notices at 9:43 a.m.

No shipments of capacitor metal were on site. Rose Chemical had sent shipments every 10-60 days, the weight of shipments running from 7 to 15 tons (Company Records), the most recent being October 17, 1985 and October 9, 1985.

While in the facility office I saw some boxes approximately 3'x3'x5' in a nearby storage room marked on four sides with ML. I asked what was in the boxes. Mr. Asner said they contained scrap copper. He volunteered to let me examine the boxes, and they did contain scrap plumbing fittings. Mr. Asner said the boxes were obtained from a now defunct PCB disposal facility and were handy for storage.

Closing Conference

Those present were Mr. Asner, Mr. Feingold, and myself.

I advised them to remove the ML marking from the boxes, because if someone who was aware of storage requirements for PCBs saw them they might file a complaint which would necessitate a needless inspection by Region VII. They said they would remove the markers.

I encouraged them to call the Region VII office when the next load of scrap arrived from Rose Chemical. I assured them that since they were now familiar with the inspection documents that my return for sampling would take a minimum of their time, and that the actual sampling would take about an hour and would not keep them from getting their scrap out of the yard the same day if that was a priority.

Mr. Feingold signed the Declaration, the Receipt, and the Summary at about 11:00 a.m., Thursday, October 31, and I ended the inspection.

David A. Phillippi

Compliance Enforcement Officer

Attachments: TSCA Inspection Documents (5)

FATES form (1) Complaint (1)

3. ENVIRONMENTAL PROTECTION AGE Y TSCA INSPECTION SUMMARY OF OBSERVATIONS

Name and Address of Inspector(s)	Name and Address of Facility
David A. Phillippi (913-236-2838)	ASNER IRON & METAL
Environmental Protection Agency	34 N. Hames St. /KC, KS
Toxics and Pesticides Branch 726 Minnesota Avenue	Chief Executive Officer of Firm
Kansas City, Kansas 66101	Labe Asuer
Name of Individual to Whom Notice Given	Address 34 N. James
Howard Feingold Title Date Manager 10-31-83	Address 24 N Towes
Title Date	37 11, 24202
Manage 10-31-8	KCKS
	the requirements of the Toxic Substances ted thereto were observed during this inspect
No Devictions	nored oracling
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in specific	
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of concern at the earliest possible t list of deviations from the requirement and regulations promulgated thereto,	ided to bring to your attention those areas time. It is not intended to be a complete ents of the Toxic Substances Control Act but rather a list of those conditions of my apparent. If you have any questions
	t the Toxics and Pesticides Section at
The undersigned acknowledges having r Summary of Observations.	received and read a copy of this TSCA
1/01- A	
Şignature Title	Date Date 10-3/-85
(Dimension	Mark News 14 - 31-80
Signature of Inspector Title	of Inspector Date

"ENFORCEMENT SENSITIVE"

Distribution: White - Regional Office Copy Yellow - Facility Copy Pink - Inspector's Copy

SEPA

INVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20450

TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approval expires 8-31-85

DECLARATION OF CONFIDENTIAL BUSINESS INFORMATION 1. INVESTIGATION IDENTIFICATION INSPECTOR NO. DAILY SEQ. NO. 10/98/85 3. INSPECTOR ADDRESS ASNER IRON AND METAL 1007 01 4. FIRM ADDRESS 726 Minnesota Ave. 34 N. James KC, KS 66101 KC, KS INFORMATION DESIGNATED AS CONFIDENTIAL BUSINESS INFORMATION NO. DESCRIPTION

SENEOR CEMENT SENSITIVE"

ACKNOWLEDGEMENT BY CLAIMANT

The undersigned acknowledges that the information described above is designated as Confidential Business Information under Section 14(c) of the Toxic Substances Control Act. The undersigned further acknowledges that he/she is authorized to make such claims for his/her firm.

The undersigned understands that challenges to confidentiality claims may be made, and that claims are not likely to be upheld unless the information meets the following guidelines: (1) The company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures; (2) The information is not, and has not been reasonably attainable without the company's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding); (3) The information is not publicly available elsewhere; and (4) Disclosure of the information would cause substantial harm to the company's competitive position.

David A. Phillippi

Title

Compliance Enf. Officer

Claimany Signature

Claimany Signature

Howard

Title

Date Signed

Title

10-31-85



ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approval expires 8-31-85

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. KC, KS	66101	<u> </u>			KC, KS	
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Und	der the authority of	Section 11 of the	Toxic Subst	anc	es Control Act :	•
ਵੀਂ ਵਾਵੇਂ mer essé faci witt requ	nt, facility, or other ad or stored, or held lities) and any conv h their distribution	premises in which thefore or after the reyance being used in commerce (included applicable to the	n chemical su leir distributi I to transport luding record	ibsta ion i t cho ls, fi	photographs, statements, and other inspect inces or mixtures or articles containing sam in commerce (including records, files, paper emical substances, mixtures, or articles conles, papers, processes, controls, and facilities inces, mixtures, or articles within or associations.	ne are manufactured, proc- rs, processes, controls, and taining same in connection es) bearing on whether the
ZZ Ina	ddition, this inspec	tion extends to /C	heck approp	riati	e blocks):	
	· 🗀 A. Financ	cial data			D. Personnel data	
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The	nature and extent	of inspection of s	uch data spe	cifie	d in A through E above is as follows;	
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INSPECTOR SIGI	und Q.	Pal	E"	•	NAME A Hower & Teinse	
David A. Phillippi					A Morrer @ / Einge	· C

DATE SIGNED

10/28/85

Manage

Compliance Enf. Officer

TITLE

SEPA

ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approval expires 8-31-85

TSCA INSPECTION CONFIDENTIALITY NOTICE

1. INVESTIGATION IDENTIFICATION	2. FIRM NAME
DATE 3 INSPECTOR NO DAILY SEO. NO. 10/28/85 4007 - 01.	ASNER IRON AND METAL
3. INSPECTOR NAME	4. FIRM ADDRESS
David A. Phillippi	3h N. James T.
5. INSPECTOR ADDRESS	KC, Ks
726 Minnesota Ave. KC, KS 66101	8. CHIEF EXECUTIVE OFFICER NAME
	7. TITLE

TO ASSERT A CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during inspection of the facility above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the Administrator of the Agency determines that the data contain information entitled to confidential treatment or may be withheld from release under other exceptions of FOIA.

Any or all the information collected by EPA during the inspection may be claimed confidential if it relates to trade secrets or commercial or financial matters that you consider to be confidential business information. If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of confidential business information. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information you have claimed as confidential business information.

A confidential business information (CBI) claim may be asserted at any time. You may assert a CBI claim prior to, during, or after the information is collected. The declaration form was developed by the Agency to assist you in asserting a CBI claim. If it is more convenient for you to assert a CBI claim on your own stationery or by marking the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this form. The inspector will be gled to answer any questions you may have regarding the Agency's CBI procedures.

While you may claim any collected information or sample as confidential business information, such claims are unlikely to be upheld if they are challenged unless the information meets the following criteria:

Your company has taken measures to protect the confidentiality of the information, and it intends to continue to take such measures.

ENFOR CEMENT SENSTINE*

ENFOR CEMENT SENSTINE*

- The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
- 3. The information is not publicly available elsewhere.
- Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is confidential business information.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your firm within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive confidential treatment.

The statement from the Chief Executive Officer should be addressed to:

and mailed by registered, return-receipt requested mail within 7 celender days of receipt of this Notice. Claims may be made any time after the inspection, but inspection data will not be entered into the special security system for TSCA confidential business information until an official confidentiality claim is made. The data will be handled under the agency's routine security system unless and until a claim is made.

TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE: I have received and reed the notice	: If there is no one on the premises of the facility who is authorized to make business confidentiality claims for the firm, a copy of this Notice and other inspection materials will be sent to the company's chief executive officer. If there is another company official who should also receive this information, please designate below.		
X A T	NAME		
x Hower & Ferngold	TITLE		
X Manager 10/31/85	ADDRESS		

\$EPA

ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approvel expires 8-31-85

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		cal substances and/or mix e Toxic Substances Cont	ctures described below were collected in connection with the rol Act.	
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TITLE	· · · · · · · · · · · · · · · · · · ·	DATE SIGNED	MS1. DATE SIGNED	
Compliance En	f. Officer	10-31-85	MS1. 10/31/8-	

WASHINGTON, JC 20460		11. Facility Name			
TOXIC SUBSTANCES CONTROL ACT INVESTIGATION SUMMARY		HSHET	Irou +	Meta/	
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		OTHER F	ACILITIES		
29. Manufacturer/Processor (Other than	above)		29. Manufacturer/Process	or (Other then above)	•
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38. Credentials Presented 39. Notice of		lotice of confidentiality	41. Chain of Custody	Documents	43. Declaration of Confidentiality
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TSCA INCIDENT R COMPLAINT INFORM	
Complainant F-c//ou & cp Name Co Righting Address (115/2: Telephone 11/1-85-5/6	Date Received Time Received By
() Resident () Worker () Gov't () Other Official	Confidentiality Requested by () Y
INCIDENT DESCRI	() N
General Description Billing functions of Billing Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the Congression of the C	Exact Location [A SNEW TRING Methy] Co. 34 N. January Responsible Official if known
EXPOSURE DATA	
Direct Human () Actual ()/Potential () None Details of Human Exposure	Direct Environmental () Surface Water () Groundwater Description of kinning of finish
nutal.	Animal Exposure () Actual () Potential () None () Unknown Food/Feed Processing/Production () Yes () No
Accessible () Yes () No	Describe
Public Water Supply () None () Unknown () Near	Detail of Exposure
NOTIFICATION/CLE	
Responsible Party Notified () Yes () No Date	Corrective Action () Yes () No
Identity of Party Notified	Describe
Follow up needed () Yes () No Describe CELLOFT/F"	Response Evaluation (/): Priority () Routine
Describe ENFORCEMENT SENSITIVE"	

INCIDENT RESPONSE WORKSHEET

Factors	Points	Assigned
Public Health Effects * Likelihood of exposure to human	Actual 80 to 100 Probable 60 to 80 Potential 40 to 60 Unknown 20 to 30	50
Environmental Health Effects		
 Likelihood of exposure to environment 	Actual 40 to 50 Probable 30 to 40 Potential 20 to 30 Unknown 10 to 20	40
Enforcement Considerations		
• Need for legal action		
• Enforceability	Up to 20 points	
 Need for immediate action to prevent destruction of evidence 	·	
• Other		1 20
Public Concern	Up to 10 points	. 5
Subjective Considerations		
• Type, Toxicity, Quantity	Up to 20 points	2
• History of responsible party		
• Remedial action by party		
• Frequency of occurrence		
 Reliability of informant 		·
• Other	~~	
0-100 points = Routine response	Total	
100-200 points = Priority response	1165	

2459 Charlotte Street Kenses City, Missouri 64108 (816) 471-7227

January 3, 1986

Denise Keener
PCB Team
Office of Pesticides and Toxic Substances
Environmental Protection Agency
401 M. Street S.W.
Washington, D.C. 20460

REFERENCE: PCB Transformer Data

Dear Ms. Keener:

I wish to submit the enclosed PCB transformer information as a continuation of our EPA approval (PCB transformer reclassification).

er a light that the last the committee of the

If you have any questions, feel free to contact me at (816) 732-4119.

Thank you.

Sincerely,

Bonnie Scrutchfield

BS/gg

Enclosure

RECEIVED

JAN 1 0 1986

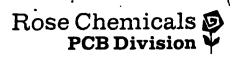
TOXICS & PESTICIDES
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2459 Charlotte Street Kanses City, Missouri 64108 (816) 471-7227

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	SERIAL	MFR	KVA
	F525160-64P	, G E	1000
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•	55F19252	WH	76
	906205	MOLONEY	500
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	J5G2534	WAGNER	75
	E686105B	Œ	1000
	T-20170	GE	NL
	342201	FPE	2500
	6570829	WH	50
	H228475-68P	GE	5 .
	6910119	GE	333
	540480 ·	WH	167
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	H886401A	GE	1150
	H886401B	GE	1150
	5060986	WH	1000
	79832	RE UPT	750
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	H654733	GE	. 10
	8654749	GE	10
	5060987	WH	1000
	F48523064P	GE	15
	4683011	GE	25
	F48523464P	GE	15
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	F48523264P	GE	15
	F48523164P	GE	15
	F48523564P	GE	15
	8642273	GE	150
	596777	WH	15
	F60643866P	GE	5
	F958037	GE	1500
	2734570	WH	3
	3380525	WH	7 5
	H255997-68P	GE	500
	71PR11304	WH	7 5
	8648321	GE	2 5
	69PC6857	WH	7 5
	PXC22712	WH	75
	D2712285	GE	75



2459 Charlotte Street Kenses City, Missouri 64108 (816) 471-7227

 SERIAL	MFR	KVA
C4449155	GE	75
B558227	GE	75
B535853	GE · ·	50
D400246-59P	GE	7 5
R 4582	STANDARD	15
B474167	GE	25
4 078878	ACT	50
A133045	MOLONEY	167
4078876	ACT	50 ·
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C440474	GE	75
67PJ4230	WH	75
2PXC39573	WH	167
NAV6381-02	WH	1000
8641374	GE	500
NAV638101	WH	1000
F640881-67P	GE	300
F637593-66P	GE	150
F637849-66P	GE	300
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TSCA Case Review Form

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44. Inspector's Name				45. Inspector's Signature		

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THE FEBRUARY 20, 1986, MEETING WITH MARTHA C. ROSE CHEMICALS

ATENDEES: Ruben McCullers, TOPE
lienry Roompage, CNSL
Seff Goldstein, Attorney
Walter Carolan, President
Jim Carolan, Vice President
Dwight Thomas, Senior Scientist

SUMMARY:

On February 20, 1986, the above attendes meet at the WATR Conference Room at the Regional Office at 9:00 a.m. The purpose of the meeting was to discuss the Intends to Revoke issued on February 14, 1986.

Henry opened the meeting by saying that I would first summarize the data that led EPA to make the Revocation decisions. I discuss with them the samples of capacitor and drums taken at Rig Industries on September 23, 1985, and the results of the analysis. I then discussed the copper wire we sampled at Asner Iron and Metal on December 27, 1986. I expained how we knew both were from Rose.

I also explained how the violations observed at Rose on the December 19, 1985, and the Jaanuary 7, 1986, inspections affected our decision. Henry explained that the original thinking was to revoke the permits, however that the RA decided to give them until March 15, 1986.

Walt Caralon said that he plans to closed the Holden facility and eventually transfer all operation to Chanute, Ks. He also said that he intends not to respply for the oil and transformer approval there, since he will have an incinerator, but does want to keep the capacitor approval as he can then more efficiently handle PCB Capacitors in the incinerator. He said that he does intend to maintain all permits now if he can. Mr. Goldstein asked what we required for them to keep the permits.

I said he needs to determine how the metal that left the site left "dirty". I said he was to correct all violations noted in the "Summary of Observations" from our inspections. I also said we intend to inspect the facility after March 15, 1986, and that any violation of the PCB Rule or the Conditions of the approvals found on that date would lead to an immediate revocation of the approvals. I also told then that we may visit during the interim period to make sure all requirements are followed.

Henry said that we do not want a written plan on how they intended to proceed or any kind of report. He said that all effort needed to be directed to being in compliance on March 15.

I said all PCB in improper containers must be repacked in proper containers prior to shipping. I said all items stored by the generator for disposal for more than one year must be received by a disposal facility by March 15. I said they also have to comply with the marking, storage, recordkeeping, distribution in commerce, use and disposal requirements of the Rule.

The meeting ended at 10:00 a.m.

Ruben McCullers

ARTX/TOPE/CPTA/RMcCullers:rbm:2-20-86

McCULLERS #56



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

FEB 13 1986

OFFICE OF
THE REGIONAL ADMINISTRATOR

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Walter Carolan Martha C. Rose Chemicals, Inc. 2459 Charlotte Street Kansas City, Missouri 64108

Dear Mr. Carolan:

NOTICE OF INTENT TO REVOKE APPROVAL

Martha C. Rose Chemicals, Inc., has been issued a transformer processing approval by Region VII which authorized the disposal of polychlorinated biphenyls (PCBs) by alternate methods of disposal pursuant to 40 C.F.R. §761.60(e). We have inspected your facility or sampled material generated by Martha C. Rose on eight separate occasions. Complaints have been issued and civil penalties have been assessed based on inspections in November 1983 and August 1984. Reports from inspections conducted December 19, 1985, and January 7, 1986, are undergoing review to determine if further actions are warranted.

We have sampled metal processed under the transformer processing approval issued to Martha C. Rose Chemicals, Inc. The samples were collected at a salvage facility which had purchased the sampled metal from Martha C. Rose Chemicals, Inc. Sample analyses indicated that the 0.01 milligram per 100-square centimeter swab limits for smooth metal specified in the approval have been exceeded. The above inspections and the sample analyses indicate that activities not complying with the PCB Rule or the approval conditions are continuing.

Although the latest Consent Agreement entered into by Martha C. Rose Chemicals, Inc., and EPA did provide certain time periods to submit a new transformer processing application for approval and to install a new inventory control system, it did not allow the noncompliant activities noted above.

The transformer decontamination process approval states: "This Approval may be withdrawn or the conditions for approval may be amended any time the EPA has reason to believe the operation of this processing method poses an unreasonable risk of injury to health or the environment."

Based on the facts presented above, EPA has determined that continued operation under this approval at this facility, as currently operated, does pose unreasonable risk. Therefore, EPA does hereby inform you of its intent to revoke the transformer processing approval.

By March 15, 1986, you are to correct all noncompliant activities and be in complete compliance with the PCB Rule and the conditions of the approval. You are to contact Ruben McCullers, Toxics and Pesticides Branch, at (913) 236-2835, or Henry Rompage, Attorney, at (913) 236-2853, within five (5) days of receipt of this letter to discuss corrective action. If, by March 15, 1986, you have failed to demonstrate complete compliance the approval will be revoked.

This Notice of Intent to Revoke Approval issued to Martha C. Rose Chemicals, Inc., does not preclude EPA from taking further appropriate enforcement action.

If you have any questions concerning this matter, please contact Ruben McCullers or Henry Rompage, the members of my staff most familiar with this subject.

Sincerely yours.

Morris Kay

Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

FEB 13 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OFFICE OF THE REGIONAL ADMINISTRATOR

Mr. Walter Carolan Martha C. Rose Chemicals, Inc. 2459 Charlotte Street Kansas City, Missouri 64108

Dear Mr. Carolan:

NOTIFICATION OF STATUS OF THE OIL DETOXIFICATION APPROVAL

Martha C. Rose Chemicals, Inc., has been issued an oil detoxification approval by Region VII which authorizes the disposal of polychlorinated biphenyls (PCBs) by an alternate method of disposal pursuant to 40 C.F.R. \$761.60(e). We have inspected your facility on five separate occasions. Complaints have been issued and civil penalties have been assessed based on inspections in November 1983 and August 1984. Reports from inspections conducted December 19, 1985, and January 7, 1986, are undergoing review to determine if further actions are warranted.

Although the latest Consent Agreement entered into by Martha C. Rose Chemicals, Inc., and EPA did provide certain time periods to submit new alternate PCB disposal applications for approval and to install a new inventory control system, it did not allow activities not in compliance with the PCB Rule.

The oil detoxification process approval states: "This approval may be withdrawn or further conditions may be added to it at any time. Moreover, violations of any condition included as part of this approval may subject Martha C. Rose Chemicals, Inc., to enforcement action and/or termination of the approval." Based on the inspections above, it appears that oil may have been stored for more than one year, in violation of the applicable PCB Rule.

The oil detoxification process approval expires March 15, 1986. EPA has decided not to consider reapproval of this application until you are in complete compliance with the PCB Rule and the conditions of the approval. If you are in compliance on March 15, 1986, we will proceed with our review. This notification does not preclude EPA from taking further appropriate enforcement action.

If you have any questions concerning this matter, please contact Ruben McCullers or Henry Rompage, the members of my staff most familiar with this subject.

Sincerely yours,

Morris Kay

Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

OFFICE OF THE REGIONAL ADMINISTRATOR

FEB 13 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Walter Carolan Martha C. Rose Chemicals, Inc. 2459 Charlotte Street Kansas City, Missouri 64108

Dear Mr. Carolan:

NOTICE OF INTENT TO REVOKE APPROVAL

Martha C. Rose Chemicals, Inc., has been issued a capacitor processing approval by Region VII which authorizes the disposal of polychlorinated biphenyls (PCBs) by an alternate method of disposal pursuant to 40 C.F.R. §761.60(e). We have inspected your facility or sampled material generated by Martha C. Rose on eight separate occasions. Complaints have been issued and civil penalties have been assessed based on inspections in November 1983 and August 1984. Reports from inspections conducted December 19, 1985, and January 7, 1986, are undergoing review to determine if further actions are warranted.

We have sampled metal processed under the capacitor processing approval issued to Martha C. Rose Chemicals, Inc. The samples were collected at a salvage facility which had purchased the sampled metal from Martha C. Rose Chemicals, Inc. Sample analyses indicated that the 0.01 milligram per 100-square centimeter swab limits for smooth metal specified in the approval have been exceeded. The above inspections and the sample analyses indicate that activities not complying with the PCB Rule or the approval conditions are continuing.

Although the latest Consent Agreement entered into by Martha C. Rose Chemicals, Inc., and EPA did provide certain time periods to submit a new capacitor processing application for approval and to install a new inventory control system, it did not allow the noncompliant activities noted above.

The capacitor process approval states: This approval may be withdrawn or further conditions may be added to it at any time. Moreover, violations of any condition included as part of this approval may subject.

Martha C. Rose Chemicals, Inc., to enforcement action and/or termination of the approval." Based on the facts stated above, EPA has determined that the noncompliant activities noted above are sufficient cause to revoke the capacitor process approval. Therefore, EPA does hereby inform you of its intent to revoke the capacitor process approval.

By March 15, 1986, you are to correct all noncompliant activities and be in complete compliance with the PCB Rule and the conditions of the approval. You are to contact Ruben McCullers, Toxics and Pesticides Branch, at (913) 236-2835, or Henry Rompage, Attorney, at (913) 236-2853, within five (5) days of receipt of this letter to discuss corrective action. If, by March 15, 1986, you have failed to demonstrate complete compliance the approval will be revoked.

This Notice of Intent to Revoke Approval issued to Martha C. Rose Chemicals, Inc., does not preclude EPA from taking further appropriate enforcement action.

If you have any questions concerning this matter, please contact Ruben McCullers or Henry Rompage, the members of my staff most familiar with this subject.

Sincerely yours,

Morris Kay

Regional Administrator

UNITED - ATES ENVIRONMENTAL PROTECTION AGENCY

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DATE . 1 -16-86

subject Transmittal of Laboratory Data

Chief, Laboratory Branch, ENSV

TO Les Alderman ARWM

Analyses have been completed for the following activities and the data results are attached.

Activity No.	Description
ACL46	Jefferson City Mo
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Attachments

cc: Data Files

EPA REGION VII DATA QUALIFICATION CODES

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- U Compound was not detected.
- M Compound was qualitatively identified; however, quantitative value is less than contract required detection limits (CLP data); or value is less than limit of quantitation (EPA data).
- J Compound was qualitatively identified; however, compound failed to meet all QA criteria and therefore is only an estimated value.
- I Analysis attempted, but no results can be reported.
- O Sample lost or not analyzed.
- L Value known to be higher than value reported.

ACL 46001

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"ENFONCEMENT SENSITIVE"

ACL46002

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7 25 FUNSTON ROAD KANSAS CITY, KANSAS 66115

January 13, 1986

MEMORANDUM

SUBJECT: Positive Values from Analysis of Wipe Samples from Jefferson

City, Missouri

FROM:

Ramon Rodriguez

Robert Kleopfer, Ph.D. OOK Acting Chief, LABO-ENSV TO:

Harold Brown, Ph.D. THRU:

Chief, ANLT Section, LABO-ENSV

<u>Sample</u>	Compound	Amount (ug/wipe)
ACL 46001 01078617810101	PCB 1242	920,000
0.0.00	PCB 1254	440,000
ACL 46002 01078617810102	PCB 1242	4.60
01076617610102	PCB 1254	2.30

Dine RBH Rose Co.

DATE: Jan 28,86
MEMORANDUM
SUBJECT: Rose Chemical - Holdon, No
FRUM: Charles P. Hensley Chief, EP&R/ENSV
TO: Leo Alderman TOPE/ARTX
Attached for your review is:
Data Transmittal
_ Work Plan
Trip Report
Preliminary Assessment
HRS Form with Supporting Documentation
Final Report on a Full-Field Investigation
If you have any questions or comments, please contact Ron McCutcheon at 2363888 .
Attachments
cc: _ LABO
_ RCRA
SPFD
State - Jim Cory , MONR

John C. Wicklund Director, ENSV Suite 306, Gateway Centre II 4th & State Avenue, Kansas City, KS 66101 • (913) 621-6240

TECHNICAL ASSISTANCE TEAM FOR EMERGENCY RESPONSE REMOVAL AND PREVENTION EPA CONTRACT 68-01-6669

TO: Ron McCutcheon, EP&R/ENSV

January 17, 1986

THRU: A Robert L. Sholar, Region VII TATL

TAT-07-F-01334

FROM: Michael G. Clemons, Region VII TATM

TDD #07-8601-05

SUBJECT: Investigation of PCB Spill at

PCS #5146

Rose Chemical, Holden, Missouri

At 1348 hours on January 6, 1986, the Region VII Technical Assistance Team (TAT) member Mike Clemons was tasked to accompany EP&R to Holden, Missouri to investigate a reported PCB spill. Earlier in the day, the Mayor of the City of Holden had called Bill Landis at the EPA Regional Office to report a suspected PCB containing oil leaking from a tanker truck on the property of the PCB Division of Rose Chemicals and requested an investigation.

Mac Castor, EPA/EP&R, and Mike Clemons (TAT) arrived at the Rose Chemical facility in Holden, Missouri at 1548 hours. Upon arrival at the scene, the responders viewed excavation cleanup activity occurring in the south parking lot. Upon entering the facility property, the plant management was sought. Conversations with Executive Vice President James Carolan, Director of Research and Development Dwight Thomas, and Plant Manager Pat Perrin revealed the following scenario of the spill situation:

A tanker truck containing PCB contaminated transformer oil had been emptied (the Rose Chemical Company has a process to detoxify PCB contaminated oil). After the tanker truck had been off-loaded, the empty tanker was parked in the graveled south parking lot. Sometime over the weekend of January 4-5, 1986, the belly drain valve on the tank truck apparently cracked, allowing the residual oil contained in the drain system to leak onto the frozen ground. When the leak was noticed on Monday morning, the tanker was transported to the dike protected off-loading bays and the cleanup of the spill area was instituted. Approximately 10-15 gallons were spilled. None of the material had reached the nearby creek on the west boundary of the plant property. Mr. Thomas anticipated excavating approximately 24 cubic yards of earth during the cleanup and either transporting the material to U.S. Ecology or ESI for disposal. Total PCBs in the oil was 126 ppm, of which 118 ppm were Arochlor 1260 and 9 ppm were Arochlor 1242.

After being satisfied that the cleanup was proceeding smoothly and effectively, and there was neither a threat to the public or the environment, Castor granted Channel 4 News, Kansas City, Missouri NBC affiliate, an

Roy F. Weston, Inc.

SPILL PREVENTION & EMERGENCY RESPONSE DIVISION

In Association with ICF Inc., Iacobs Engineering Group Inc., C.C. Johnson & Associates, Inc., and Tetra Tech, Inc.,

interview. The TAT recommended a certification sampling plan for the area after the excavation was completed. Excavation depth ranged from 6-12 inches over the spill area, and there was no evidence of the spill entering into the creek. The reportable quantity (RQ) for PCBs as listed in 40 CFR 302.4 is 10 pounds. The spill of 10-15 gallons of oil contaminated at 127 ppm did not approach the RQ. The responders left the scene at 1708 hours.

On January 7, 1986, Rose Chemicals was informed that the required cleanup level was 2 ppm, after conferring with the Toxics and Pesticides (TOPE) branch of EPA. Rose Chemicals reported on January 8, 1986 that their analysis after excavation revealed no levels greater than 0.7 ppm.

MICHAEL G. CLEMONS

Region VII TATM

MGC/dm

ON-SCENE PHOTOGRAPHS ROSE CHEMICALS PCB SPILL SITE Holden, Missouri



Picture #1 Date: 01/06/86 Time: 1609

Photographer: M. Castor Witness: M. Clemons Camera: Canon AE-1

Film: 400 ASA Direction: S

Subject: Excavation area after PCB spill.



Picture #2 Date: 01/06/86 Time: 1610

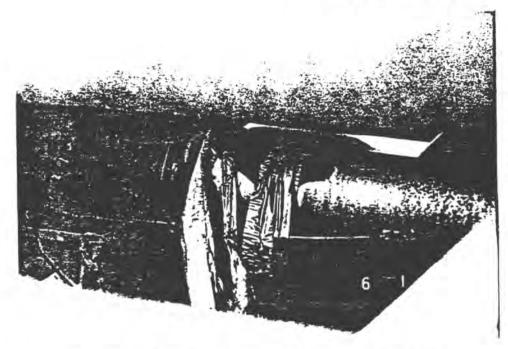
Photographer: M. Castor

Witness: M. Clemons Camera: Canon AE-1

Film: 400 ASA Direction: W

Subject: Wooden storage bin for excavated contaminated soil.

ON-SCENE PHOTOGRAPHS ROSE CHEMICALS PCB SPILL SITE Holden, Missouri

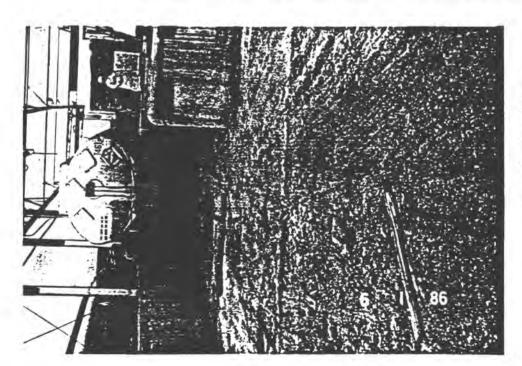


Picture #3 Date: 01/06/86 Time: 1611

Photographer: M. Castor

Witness: M. Clemons Camera: Canon AE-1 Film: 400 ASA Direction: N/A

Subject: Faulty valve on leaking tanker truck.



Picture #4

Date: 01/06/86

Time: 1612

Photographer: M. Castor

Witness: M. Clemons Camera: Canon AE-1

Film: 400 ASA Direction: N

Subject: Leaking tanker in offloading bay and drip trail.



2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

January 13, 1986

CERTIFIED/REGISTERED No. P506 655 464

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Mr. David A. Ramsey, Inspector United States Environmental Protection Agency Region VII 1103 SW Boulevard Jefferson City, MO 65102

Dear Mr. Ramsey:

The purpose of this letter is to express the concern of Rose Chemicals regarding EPA observations which indicate possible or perceived deviations from the requirements of the Toxic Substances Control Act. These observations were made during your recent plant inspection of 1/7/86 and earlier inspection of 12/19/85, respectively.

As expressed in EPA policy contained within the document <u>TSCA SUMMARY OF OBSERVATIONS</u>, "This summary of observations is provided to bring to your attention those areas of concern at the earliest possible time..." In light of this, Rose Chemicals is making every effort to alleviate these possible deviations in an expediate manner.

Should you care to discuss this subject in further detail, please contact us at your earliest convenience.

Sincerely,

Pat Perrin

Facility Manager

PP/tew

cc: Rubin McCullers

Leo Alderman

RECEIVED

JAN 1 5 1986

TOXICS & PEST CIPIS
BRANCH

PCB INSPECTION REPORT

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Martha C. Rose Chemicals, Inc. PCB Division 500 W. McKissock Holden, Missouri 64040 Date: January 7, 1986 Docket No. 07-86-T-382 Inspection No. 010786178101

Introduction

An inspection was conducted at the above-named site as a follow-up to a similar inspection on December 19, 1986. (Docket No. 07-86-T-190, Inspection No. 121985178101). The purpose of this inspection was to determine what steps the firm had taken to accord for deviations from the PCB Rule, 40 C.F.R. Part 761, noted during the December inspection and observe any additional deviations regarding PCB storage and marking.

Summary of Observations

On January 7, 1986, I presented my credentials, Notice of Inspection and Confidentiality Notice to Patrick E. Perrin, Plant Manager. Mr. Perrin signed the Notices and he and ESCO Taylor, Production Coordinator, accompanied me throughout the inspection. I provided Mr. Perrin a copy of photographs taken during the December inspection.

- Mr. Perrin pointed out repairs that had been made to the
- 1. Partial crack in the curb outside the entrance to the lab.
- 2. Broken curb around the warehouse storage tank behind the scales.
- 3. Broken curb at one of the outside doors in the drum storage warehouse (Photo 1). All appeared adequate except that the concrete used in the warehouse looked as if it had been improperly mixed or applied in too cold a temperature. It was crumbly and did not appear sound enough to retain fluids. The crack in the curb in the capacitor core storage room had not been repaired. Mr. Perrin said I did not bring it to his attention during the December inspection. Mr. Perrin also showed me that PCB contaminated drums had been removed from the loading ramp in the drum storage warehouse (photo 2).

We examined the capacitor core storage room and found it as reported in the December inspection report (Photo 3 and 4). This time, I noted that some of the stack of paper bags of capacitor cores had fallen against the building walls on the south and east sides. Two samples were collected (sample Nos. 01078617810101/02) and claimed as TSCA CBI.

In the north end of the reactor room area, 55 gallon drums of fluid were stacked as reported in December. The two drums whose labeling was photographed in December (0-9610: 6-10-84 and 0X-173: 5-3-84) and noted to have been stored more than one year, were still present. Other drums of fluid stored more than one year were also noted as follows

The Sound Think has been as a second

- (1) I.D. #0-10822, manifest 0686, date placed in storage 7-31-84 320 pounds IPS Sioux City, Iowa 1242/111.
 - (2) ID # 0-9104, dated stored 5-15-84. MCR, 1260/134 and 1242/11
 - (3) ID #0-19124, No storage date indicate, No ppm PCBs indicated
 - (4) ID #0-9689, stored 6-13-84, MCR, > 700.

Mr. Perrin said all of the old drums of oil containing high levels of PCBs were scheduled to be disposed on January 20. 1986.

As reported in December, warehouse storage tank number 3 still contained PCB fluid and a storage date of 11-9-84. Warehouse storage tank number 5 was full of fluid and dated 12-22-84. An outside storage tank, identified as RST #6 (reactor storage tank number six) boxe manifest number 1159 and was dated 4-17-84 (Photos 5 and 6). It was also said to contain PC3 fluids.

Transformers with their tops sawed off and containing dirt and debris were still present throughout the storage area (Photo 7) as were wooden crates of capacitor come paper. The large steel capacitor core storage bin was still filled with capacitor cores and undated as previously reported.

In the transformer processing area was a wooden crate without any labeling (Photos 8 and 9). Denver Wood, TPA foreman, said it contained paper wrapped aluminium transformer wire that was dirty. He said it had gone through the degreaser once but still contained PCBs and would have to be degreased one or two more times. He could not explain why the crate was not labeled except to say that another employee apparently forgot to do it.

In the warehouse area, we observed four filter drums marked with MLs and ORM-Es (Photos 10-12). They were from Campbell Soup Co , Napoleon Ohio 43545, MO0980633060. Removed from service 7-85. manifest 1379 warehouse #18271 . but there was nothing to indicate their contents and company employees did not know what was in them. On top of the drums was a wooden pallet in which were five PCB capacitors (Photo 13) Four were General Electric Pyranol capacitors (Photo 14) and were marked ML but none were dated or bore ORM-E marks. The fifth was a Sangamo Film Star capacitor, S/N 7337-0225, and had a 2"x2" ML (Photo 15). The unit was expanded, bottom torn loose and core material was sticking out (Photos 16 and 17). Mike Moore, warehouse foreman, said those fixe warts had been removed from a steel shipping container because that container was needed. He said he recalled that the items were from New England Power, but there was no way to tie them to a particular manifest because more than one shipment had been received from NEP. He said they had probably been exposed on the pallet about a week.

Also in the warehouse area were two pallets of PCB capacitors from AP Green Refractories that were not marked ML- ORM-E labeling showed ID # C-21205, Manifest, 1736, dated Mt. Mr. Perren said the NL stood for No Label, meaning he had received the items without labeling such as MLs and storage dates. We noted some numbers had been written on top of the capacitors with a felt pen but their significance was uncertain.

<u>Discussion with Management</u>

The closing discussion was with Patrick Perrin, Esco Taylor and Sharon Hays. Mr. Perrin signed the Declaration of CBI, Receipt for Samples, and Summary of Observations. He declared the two samples CBI. I agreed to send him copies of the photographs I had taken (those were sent to Mr. Perrin, however, 17 did not develop because I had bumped the shutter speed control during the inspection) We discussed the possible deviations listed on the Summary of Observations. mr. Perrin asked if there was a certain time limit for correcting the problems observed. he asked if it mattered that the same deviations were still present in January as were pointed out in December. I told him I was not aware of specific deadlines for correcting deviations but I expected him to correct those as soon as possible after they were brought to his attention. I said that each time I observed them, I considered it a separate deviation and his lack of attention did not show good faith on his part Mr. Perrin said that Dwight Thomas was supposed to be preparing a request for approval of alternate storage containers for the capacitor cores. he asked if rinsed drums could be ricked up in a bermed area outside and I told him to send a letter to Ruben McCullers describing his plan and requesting a decision. Mr. Taylor expressed concern about having to store the capacitor cores any way other than than they are currently stored. He did not want to put them in drums. I told him drums were the proper storage containers until he received approval for alternate storage.

David A. Ramsey

Consumer Safety Officer

1-8-86

Attachments:

Notice of Inspection Confidentiality Notice Declaration of CBI Receipt for Samples Summary of Observations Photos

Photos FATES Form

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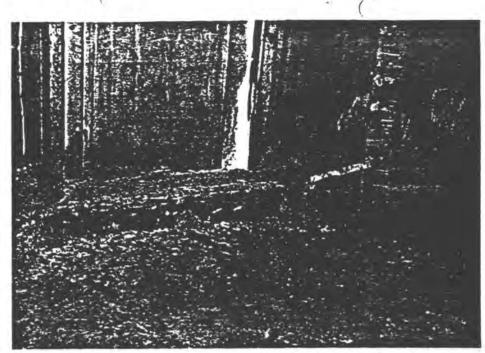


Photo 1. Depicts repairs made to broken curb at outside door on south wall of drum storage warehouse as seen on 1/7/86. Concrete seemed crumbly and rough as if it was mixed wrong or applied in freezing temperatures. It did not appear adequate to retain liquids. Taken at Rose Chemicals, Holden, MO.



Photo 2. Depicts ramp in drum storage warehouse to show that drums had been removed since December 19, 1985 inspection.



Photo 3. Paper bags of capacitor cores stored in capacitor core storage room at Rose. Sample No. 01078617810101 was collected here by tearing off a piece of paper bag about 4" X 5".



Photo 4. Depicts oil stain on floor in capacitor core storage room where Sample No. 01078617610102 was collected by using filter paper and scooping up floor dry and wiping part of area. Stain on floor was about 8" X 12".



Photo 5. Depicts outside PCB fluid storage tank identified as RST #6 and bearing a storage date of over one year.

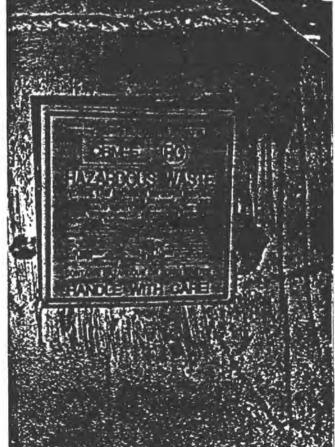


Photo 6. Close-up of labeling on tank shown in Photo 5.

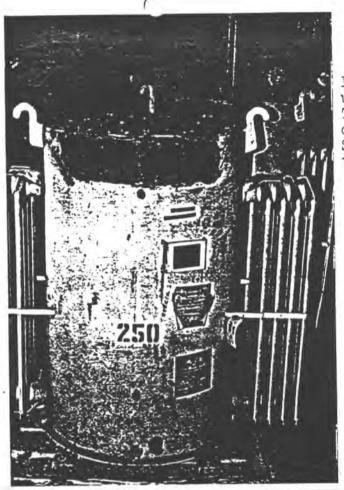


Photo 7. Depicts transformer used for storing dirt and debris. This same unit was photographed during the December inspection. Similar transformers were through the facility.

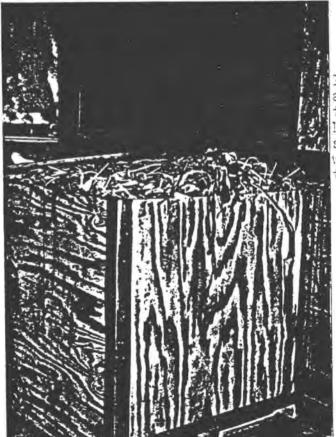


Photo 8. Depicts wooden crate of aluminum wire wrapped with paper that was removed from transformers No marks were on the crate. Mgt said the material was "dirty" with PCBs and had to go back through the degreaser.

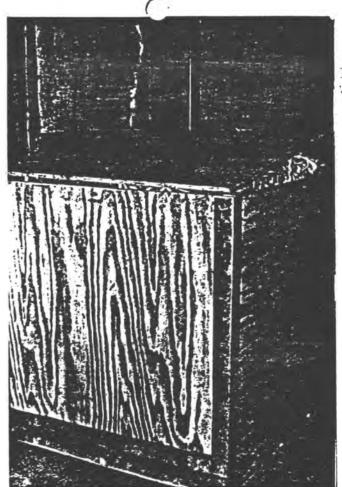


Photo 9. Another view of unmarked wooden crate shown in Photo 8.



Photo 10. Depicts four fiber drums from Campbell Soup Co., Mapoleon, Ohio, w/o a storage date and with unknown contents.

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Photo 11. Marking on drums shown in Photo 10.

HAZARDOUS WASTE OF FEDERAL LAW PROHIBITS IMPROPER DISPOSAL FOR FOUND. CONTACT THE NEAREST POLICE OR PUBLIC SAFETY AUTHORITY. OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY GENERATOR INFORMATION. MANE ADORESS FOLIAMENT MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MANIFEST MAN	ARGE
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Photo 12. Same as Photo 11, but close-up.



Photo 13. Depicts five undated PCB capacitors on pallet. One was open at the bottom. They could not be tied to a specific manifest.



Photo 14. Depicts type of nameplates on four of the capacitors shown in Photo 13.



Photo 15. Depicts nameplate on open capacitor shown in Photo 13.



Photo 16. Another view of PCB capacitor with open bottom. Note that core was sticking out. oily stains on other units suggest that unit may have leaked onto them.



Photo 17. Same as Photo 16, but different angle.

U.S. ENVIRONMENTAL PROTECTION ACTION TSCA INSPECTION SUMMARY OF OBSERVATIONS 07-P6-T-382

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· · · · · · · · · · · · · · · · · · ·	
Name and Address of Inspector(s)	Name and Address of Facility MARTHA C. Rose CHEMICALS, INC. PCB DIVISION
DAVID A. RAMSEY	SOO W. MCKISSOCK
Environmental Protection Agency	HOLDEN, MO 64040
Toxics and Pesticides Branch 726 Minnesota Avenue	Chief Executive Officer of Firm
Kansas City, Kansas 66101	WALTER C. CAROLAN
Name of Individual to Whom Notice	Title
Given	PRESIDENT
PATRICK PERRIN	Address
Title Date	San
PLANT MANAGER 01/07/86	UTINE
The following possible deviations tro	m the requirements of the Toxic Substance

The following possible deviations from the requirements of the Toxic Substances Control Act and regulations promulgated thereto were observed during this inspection:

- 1) CRACK IN CURB IN CAPACITOR STORAGE ROOM
- 2) IMPROPER STORAGE OF CAPACITUR QURES (PAPER BAGES, WOODEN CRATES, STEEL BIN)
- 3) AWMMUM WIRE AND PAPER FROM PEB TRANSFORMERS IN UNMARKED WOODEN CRATE
- 4) PCB CAPACITORS W/O PROPER MARKING AND IMPROPERLY STORED.
- 5) DRUMS OF PCB FLUID IN REACTOR ROOM STORED FOR MORE THAN ONE VEAR (0-9104 DATED 5/15/84, 017 124 DATED, 0-9689 DATED 6/13/84, ck.)
- b) LARGE STORAGE TANKS USED FOR PEB FLUIDS BEARING STORAGE DATES OF MORE THAN ONE YEAR (OUTSIDE RST #6 DATED 4-17-84, INSIDE WST #3 DATED 11-9-84, WST #5 DATED 12-22-84).

This summary of observations is provided to bring to your attention those areas of concern at the earliest possible time. It is not intended to be a complete list of deviations from the requirements of the Toxic Substances Control Act and regulations promulgated thereto, but rather a list of those conditions of immediate concern and/or those readily apparent. If you have any questions regarding this summary, please contact the Toxics and Pesticides Section at \$16/374-3036.

913/236-2838

The undersigned acknowledges having received and read a copy of this TSCA Summary of Observations.

Watrick & Como	Clant Mar	1-7-86
Signature	Title	Date / /
Said a. Quesas	CSO	01/07/86
Signature of Inspector	Title of Inspector	Date /
	Distribution:	White - Regional Office Copy

Yellow - Facility Copy
Pink - Inspector's Copy

\$EPA

US ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved
OMB No. 2070-0007
Approval expires 8-31-85

07-86-7-382

RECEIPT FOR	SAMPLES AND DOCUMENTS	3
	IO CIGNA NAME	

1. INVESTIGATION IDENTIFICATION

DATE INSPECTOR NO. DAILY SEQ. NO.

0//07/86 /78/ 0/

3. INSPECTOR ADDRESS

2. FIRM NAME WARTHA C. ROSE CHEMICALS, INC.

AB DIVISION

726 MINNESOTA KANSAS CITY, KS 66101 500 W. McKissock Holden, Mo 64040

The documents and samples of chemical substances and/or mixtures described below were collected in connection with the administration and enforcement of the Toxic Substances Control Act.

RECEIPT OF THE DOCUMENT(S) AND/OR SAMPLE(S) DESCRIBED IS HEREBY ACKNOWLEDGED:

01078617810101 = PART OF OIL SUALED PAPER BAG FROM CAPACITOL CORE STORAGE
ROOM.

01078617810102 = 012 SOAKED FLOOR DRY SCOOPED UP WITH FILTER PAPEL = FROM FLOOR
OF CAPACITOR CORE STRAGE ROOM.

PHOTOS OF PCB ITEMS AND STORAGE AREAS.

OPT		~	

DUPLICATE OR SPLIT SAMPLES: REQUESTED AND PROVIDED NOT REQUESTED RECIPIENT SIGNATURE

NAME OF A CAMPA

PATRICK E. PERRIN

CSO DATE SIGNED

PLANT MGR.

1-7-86

		WASHINGTO	N, DC 20460	Form Approved OMB No. 2070-0007
	HPA	TOXIC SUBSTANC	ES CONTROL ACT	Approvel expires 8-31-85
			INSPECTION	07-86-T- 382
DATE /	INVESTIGATION IDENTIFICATION INSPECTOR NO. DAILY	SEQ. NO.	3. FIRM NAME MARTHA C.	Rose CHEMICALS, INC.
0//01/	86 1781 0	. 1 /012 /	PCB DIVISION	
4/INSPECT	OR ADDRESS		5. FIRM ADDRESS	
1	26 MINNESOTA		500 W. McKi	SOCK
K	ansas City, Ks 66	10/	HOLDEN, MO 6	4040
	-	REASON FO	R INSPECTION	
	Under the authority of Section	11 of the Toxic Substanc	es Control Act :	•
	ment, facility, or other-premise essed or stored, or held before facilities) and any conveyance with their distribution in comm	es in which chemical subst or after their distribution being used to transport ch nerce (including records, f able to the chemical subst	ances or mixtures or articles co in commerce (including record lemical substances, mixtures, o iiles, papers, processes, controls	other inspection activities) an establish- ntaining same are manufactured, proc- s, files, papers, processes, controls, and articles containing same in connection, and facilities) bearing on whether the nin or associated with such premises or
	In addition, this inspection ext	ends to (Check appropria	se blocks):	•
	☐ A. Financial data	1	☐ D. Personnel data	
	☐ B. Sales data		☐ E. Research data	
	☐ C. Pricing data	•	•	•
	The nature and extent of insper	ection of such data specific	ed in A through E above is as fo	ollows;
l <i>(/</i>	A SIGNATURE A A RAMSCY	5 /	NAME PATRICK	Derrie
DAVI	ID A. RAMSCY		PATRICK	PERRIN
TITLE		DATE SIGNED	TITLE	DATE SIGNED

SEPA

'S ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20450

TOXIC SUBSTANCES CONTROL ACT

Form Approved OMB No. 2070-0007 Approval expires 8-31-85

07-86-7-382

TSCA INSPECTION CONFIDENTIALITY NOTICE

1. INVESTIGATION IDENTIFICATION	2. FIRM NAME MARTHA C. ROSE CHEMICALS, INC.		
DATE INSPECTOR NO. DAILY SEQ. NO.	PCB DIVISION		
JAVIO A. RAMSEY	4. FIRM ADDRESS 500 W. McKISSOCK		
5. INSPECTOR ADDRESS 726 MINNESOTA	HOLDEN, Mo 64040		
KANSAS Ciry, KS 66101	6. CHIEF EXECUTIVE OFFICER NAME WALTER C. CAROLAN 7. TITLE PRESIDENT		

TO ASSERT A CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during inspection of the facility above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection date available in response to FOIA requests unless the Administrator of the Agency determines that the data contain information entitled to confidential treatment or may be withheld from release under other exceptions of FOIA.

Any or all the information collected by EPA during the inspection may be claimed confidential if it relates to trade secrets or commercial or financial metters that you consider to be confidential business information. If you sesert e CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of confidential business information. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information you have claimed as confidential business information.

A confidential business information (CBI) claim may be asserted at any time. You may assert a CBI claim prior to, during, or after the information is collected. The declaration form was developed by the Agency to assist you in asserting a CBI claim. If it is more convenient for you to assert a CBI claim on your own stationery or by marking the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this form. The inspector will be glad to answer any questions you may have regarding the Agency's CBI procedures.

While you may cleim eny collected information or sample as confidential business information, such cleims are unlikely to be upheld if they are challenged unless the information meets the following criteria:

Your company has taken measures to protect the confidentiality of the information, and it intends to continue to take such measures.

- The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
- 3. The information is not publicly available elsewhere.
- Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is confidential business information.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your firm within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive confidential treatment.

The statement from the Chief Executive Officer should be addressed to: FBIA OFFICER - CPA

726 MINNESOTA

KANSAS CITY, KS 66101

and mailed by registered, return-receipt requested meil within 7 calendar days of receipt of this Notice. Claims may be made any time after the inspection, but inspection data will not be entered into the special security system for TSCA confidential business information until an official confidentiality claim is made. The data will be handled under the agency's routine security system unless and until a claim is made.

TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE: I have received end read the notice	If there is no one on the premises of the facility who is authorized to make business confidentiality claims for the firm, a copy of this Notice and other inspection materials will be sent to the company's chief executive officer. If there is another company official who should also receive this information, please designate below.
SIGNATURE E. Cono	NAME
PATRICK PERRIN	TITLE
PLANT MANAGER 0/07/86	ADDRESS

JS ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

Form Approved
OMB No. 2070-0007
Approval expires 8-31-85

~/ — ·	DECLARAT	ION OF CONFIDENT	TAL BUSINESS INFORMATION	07-86-T-382
1. IN	VESTIGATION IDENTIF		2. FIRM NAME	uc.
DATE/ /	INSPECTOR NO.	DAILY SEQ. NO.	MARTHA C. Rose CHEMICALS, M	
01/07/86	1781	01	PCB DIVISION	
3. INSPECTOR ADDRE			4. FIRM ADDRESS	
726 MINA	IESOTA		500 W. Mckissack	
KANSAS C.TY,			HOLDEN, Mo 64040	
	INFORMA	TION DESIGNATED AS CO	NFIDENTIAL BUSINESS INFORMATION	
NO.	4 * 4 ******************		DESCRIPTION	
D1078117810104	ROOM.	FLOOR DRY SCO	BAG FROM CAPACITOR CORE	
	OF CAPACIT	DA CORE STORAG	GE ROOM.	
	•		•	
•				
			•	
			•	
				• .
			•	•
		ACKNOWLEDGEM	ENT BY CLAIMANT	

The undersigned acknowledges that the information described above is designated as Confidential Business Information under Section 14(c) of the Toxic Substances Control Act. The undersigned further acknowledges that he/she is authorized to make such claims for his/her firm.

The undersigned understands that challenges to confidentiality claims may be made, and that claims are not likely to be upheld unless the information meets the following guidelines: (1) The company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures; (2) The information is not, and has not been reasonably attainable without the company's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding); (3) The information is not publicly available elsewhere; and (4) Disclosure of the information would cause substantial harm to the company's competitive position.

INSPECTOR SIGNATURE		Detrick E- Gern		
DAVID A. KA	unscry	PATRICK E	PERRIN	
TITLE (50	01/07/86	PLANT MICK.	1-7-86	

TEPA TOXIC SU	MENTAL TEC ASHINGTL DC 20 BSTANCES CON FIGATION SU	ITROL ACT	MARTHA C. ROSE CHEMICALS INC.			
1. INVESTIGATION IDENT		2. Region/State	12. Street	1.37 20.00	Marie San Control	
inspector Number 1/8/	Daily Sequence	07	500 W. Mc	Kissock		
inspecting Org. 4. Contract Numbe	r5. Contract Work	Order				
Facility Function 7. Invest. Type OP 6PC	8. Reason for inve	•	13. City HOLDEN	14. State		
Referral Agency	10. Warrant Requi		16. DUNS Number	17. SIC Code	1	
		SAMPLE IN	FORMATION			
Semple Sequence Number	19. State Sample f	Number	18. Sample Sequence Number	19. State Sen		
CB/	21. Project Code		20. CAS Number CB/	21. Project C	ode	
. Sample Medium CB /	23. Dete Collected		22. Sample Medium CB1	23. Date Coll	ected	
. Lot or Other Codes	25. Date Shipped		24. Lot ar Other Codes	25. Date Ship	ped	
i. Sample Identification	1	· · · · · · · · · · · · · · · · · · ·	26. Sample Identification		_ 	
CBI			. CB/			
7. Amount Before Sampling			27. Amount Before Sampling			
. Sample Description	·	· · · · · · · · · · · · · · · · · · ·	28. Sample Description			
CBI			CBI			
		OTHER	FACILITIES			
Manufacturer/Processor (Other than	above)		29. Manufacturer/Processor (Other	then ebove)		
. City	31. Stete	32. ZIP Code	30. City	31. State	32, ZIP Code	
DUNS Number			33. DUNS Number		to a service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the s	
		RE	CORDS			
Original Records	0-	0	34. Original Records			
i. Sample Delivered To	TEGIONAL	36. Date	35. Sample Delivered To		36 Date /	
LANSAS CITY, KS Sample Delivered To AIR MIDWEST, Cace Remarks	INSIA NE	01/08/86	ARE MIDNEST CO	UMBIA. N	10 01/08/86	
			1		7-7-	
THE			VE BEEN CLA	MED		
	A5	TSCA	¢81			
Doc. No. 07-86-T-	382					
Condensials Consensed Inc. 1177			N DOCUMENTS		lea Dealers of	
39. Notice of		Notice of Confidentiality		ipt for Semples/ Iments	43. Declaration of Confidentiality	
			1 -			
14. Inspector's Name			45. Jespeotor's Signature	<u></u>		



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Rubin Rose

HERRICH BUREN BALLANDER LAND

Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks and
Historic Preservation

JOHN ASHCROFT Governor

FREDERICK A. BRUNNER Director

STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

P.O. Box 176 Jefferson Ciry, MO 65102 314-751-3241

LABORATORY SERVICES PROGRAM RESULT OF SAMPLE ANALYSIS

Sample No. 85-6432

RESULTS

Reported to: JAMES PENFOLD

Affiliation: WPCR

Date: 9/25/85

Project Code: 3227/3000

Sample Description:

SEDIMENT SAMPLE FROM THE TRIB. TO THE EAST BRANCH TO PIN

OAK CREEK AT ROSE CHEM. PROPERTY LINE, GRAB SAMPLE

Collected by: DON_BOOS

Affiliation: WPCR

Date: 09/18/85

PARAMETERS

PCB-1016			Not Analyzed	
PCB-1221			Not Analyzed	
PCB-1232			Not Analyzed	111.000
PCB-1242			Not Analyzed	J. 410 pm
PCB-1254			460 ug/Kg -	•
PCB-1248			Not Analyzed	
PCB-1260			Not Analyzed	
Comments:	Not a di	y weight	calculation.	

The analysis of this sample was performed in accordance with procedures as outlined in the latest edition of <u>Standard Methods for the Examination of Water and Wastewater</u>, EPA Margal of <u>Methods for Chemical Analysis of Water and Wastes</u>, and/or <u>Annual Book of ASTM Standards</u>.

James H. Long, Director

Laboratory Services Program

Division of Environmental Quality

?

OHN ASHCROFT

Governor

FREDERICK A. BRUNNER Director



Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks and
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STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176
Jefferson City, MO 65102
314-751-3241

LABORATORY SERVICES PROGRAM RESULT OF SAMPLE ANALYSIS

Sample No. 85-6429

Reported to: JAMES PENFOLD

Affiliation: WPCR

Date: 9/25/85

Project Code: 3227/3000

mental production from the control of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the production of the produc

Sample Description:

WET SAMPLE OF CONTENT OF THE NORTHERLY OF TWO SLUDGE

DRYING BEDS, HOLDEN, MO WWTP, BEDS FILLED SINCE APRIL '85

GRAB SAMPLE

Collected by: DON BOOS

Affiliation: WPCR

Date: 09/18/85

PARAMETERS . RESULTS

PCB-1016 PCB-1221 PCB-1232 PCB-1242 PCB-1254 PCB-1260 Comments		Not	a.	dry	weight	Not Analyzed Not Analyzed Not Analyzed Not Analyzed 6000 ug/Kg Not Analyzed Not Analyzed calculation.	6.0 ppm
----------------------------------------------------------------------------------	--	-----	----	-----	--------	-------------------------------------------------------------------------------------------------------	---------



FREDERICK A. BRUNNER Director



Explained to Medical territories and the selection of the following of the following of the first of the first

Division of Energy Division of Environmental Quality Division of Geology and Land Survey Division of Management Services Division of Parks and Historic Preservation

STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY P.O. Box 176 Jefferson City, MO 65102 314-751-3241

LABORATORY SERVICES PROGRAM RESULT OF SAMPLE ANALYSIS

Sample No. 85-6410

Reported to: JAMES PENFOLD

Affiliation: WPCR

Date: 9/25/85

Project Code: 3227/3000

Sample Description:

WET SAMPLE OF CONTENT OF THE MORE SOUTHERLY OF TWO SLUDGE DRYING BEDS, HOLDEN, MO WWTP, BEDS FILLED SINCE APRIL '85

GRAB SAMPLE

Collected by: DON BOOS

Affiliation: WPCR

Date: 09/18/85

PARAMETERS

<u>PARAMETERS</u>	<u>results</u>	
PCB-1016 PCB-1221 PCB-1232 PCB-1242 PCB-1254	Not Analyzed Not Analyzed Not Analyzed Not Analyzed 2900 ug/L	2.9Ppm2
PCB-1248 PCB-1260	Not Analyzed Not Analyzed	·

The analysis of this sample was performed in accordance with procedures as outlined in the latest edition of Standard Methods for the Examination of Water and Wastewater, EPA Manual of Methods for Chemical Analysis of Water and Wastes, and or Annual Book of ASTM Standards.

James H. Long, Director

Laboratory Services Program

Division of Environmental Quality

JHN ASHCROFT
Governor

FREDERICK A. BRUNNER

Director



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DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176

Jefferson City, MO 65102 314-751-3241

LABORATORY SERVICES PROGRAM RESULT OF SAMPLE ANALYSIS

Sample No. 85-6409

RESULTS

Reported to: JAMES PENFOLD

Affiliation: WPCR

Date: 9/25/85

Project Code: 3227/3000

Sample Description:

HOLDEN, MO.-PRIMARY SLUDGE SAMPLE FROM INLET TO DIGESTER,

GRAB SAMPLE

Collected by: DON BOOS

Affiliation: WPCR

PARAMETERS

Date: 09/18/85

PCB-1016	Not Analyzed
PCB-1221	Not Analyzed
PCB-1232	Not Analyzed
PCB-1242	Not Analyzed
PCB-1254	Not Analyzed
PCB-1248	Not Analyzed

PCB-1260 Not Analyzed Comments: Sample lost due to analytical error.

The analysis of this sample was performed in accordance with procedures as outlined in the latest edition of <u>Standard Methods</u> for the Examination of Water and Wastewater, EPA Manual of <u>Methods</u> for <u>Shemical Analysis of Water and Wastes</u>, and/or <u>Annual Book of ASTM Standards</u>.

James H. Long, Director

Laboratory Services Program

Division of Environmental Quality

HN ASHCROFT
Governor

FREDERICK A. BRUNNER Director



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DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176
Jefferson City, MO 65102
314-751-3241

LABORATORY SERVICES PROGRAM RESULT OF SAMPLE ANALYSIS

Sample No. 85-6408

RESULTS



Reported to: JAMES PENFOLD

Affiliation: WPCR

Date: 9/25/85 Project Code: 3227/3000

Sample Description: BLANK, GRAB SAMPLE

Collected by: DON BOOS

Affiliation: WPCR

Date: 00/00/00

PARAMETERS

PCB-1016 PCB-1221 None Detected PCB-1232 None Detected PCB-1242 PCB-1254 PCB-1254 PCB-1260 None Detected None Detected Co.40 ug/L None Detected Co.20 ug/L

The analysis of this sample was performed in accordance with procedures as outlined in the latest edition of <u>Standard Methods</u> for the Examination of <u>Water and Wastewater</u>, EPA Wanual of <u>Methods</u> for <u>Chemical Analysis of Water and Wastes</u>, and/or <u>Annual Book of ASTM Standards</u>.

James H. Long, Director Laboratory Services Program Division of Environmental Quality

QUARTERLY OUTFALL REPORT

Period B	eginning	May 2	4, 1985		_ Peri	od Endir	19 <u>Oct</u>	ober 28,	1985	
Facility	Name:			500	ha C. R W. McKi Men, MO	ssock	nicals,	Inc.		
Owner:				. Mart	ha C. R	ose Cher	micals,	Inc.		
Permit N	o.:			MO-0	102997	٠				
County:				Johr	nson	•			(T	
Type of	Facility	/ :		PCB	Disposa	1			(ng/	
Required	Freque	ncy of M	onitorin	g: Each	n Discha	rge	_		sene	
Outfall Number	Time	Date	Location	(ns) Hd	Flow (m3/day)	Chlorine (mg/L)	Oil & Grease (mg/L)	PCB (ug/L)	1,2,4-trichlorobenzene (ug/L)	Sampler
11	8:05a.m	10-22-89	W.Berm	7.60	440	ND	4.2	0.426	NO	T.C.
			·				-			
										·
										·
							•			
	<u>-</u>									

ND - None Detected	
Analysis Performed By:	J. Moisington
Report Approved By:	D-1. E-1
Signature of Analyst:	AA Kurmita
Date:	October 28, 1985

QUARTERLY OUTFALL REPORT

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Period I	seginning	May 24	1, 1985		- Fell	CI LINIII	49 <u>. W.U</u>	DDEL 20,	1303	
Facility	Name:			500	tha C. R W. McKi den, MO	ssock	nicals,	Inc.	garaj jerak em	n en
Owner:				Mar	tha C. R	ose Cher	nicals,	Inc.		/** * (**
Permit 1	No.:			MO-	0102997	•		الأا	Lau	1377.51
County:				John	nson	•		al 4.4	<u> </u>	1 7 7 7 7 C. C. C. C. C. C. C. C. C. C. C. C.
Type of	Facility	y:		PCB	Disposa	1			/8n)	
Require	d Freque	ncy of M	bnitorin	g: Eacl	h Discha	rge			zene (
Outfall Number	rime	Date	Location	(ns) Hd	Flow (m3/day)	Chlorine (mg/L)	Oil & Grease (mg/L)	PCB (ug/L)	1,2,4-trichlorobenzene(ug/L)	Sampler
11	8:15a.m	8-14 - 85	W.Berm	7.55	305	ND	ND	ND	ND	ፓ -C
2		8-16-85		7.50	325	ND	5.4	0.942	1.3	T.C.
3	1	8-20-85		7.45	370	ND	ND	ND	ND	T.C.
4	9:00a.m	8-22-85	W.Berm	7.50	315	ND_	7.4	0.925	4.7	T.C.
5	8:10a.m	8-28-85	W.Berm	7.50	275	ND_	ND	0.217	ND.	T.C.
6	8:35a.m	9-27-85	W.Berm	7.45	395	ND	ND_	0,663	0.5	T.C.
7	10:30a.	10-11-8	W.Berm	7.40	385	. ND	0.2	0.137	ND	T.C.
8	9:15a.m	10-15-8	5 D.Berm	7.45	300	ND	4.0	0.255	ND	T.C.
9	B:05a.m	10-16-8	\$ W.Berm	7.50	425	ND	6.2	0.101	ND	T.C.
10_	1:00p.m	10-21-8	R.Berm	7.45	205	ND_	3.4	0.505	1.0	T.C.
Report	is Perfor Approvedure of Ar	By:			:					
Date:										

JOHN ASHCROFT

FREDERICK A. BRUNNER

Director



STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES

MEMORANDUM

DATE:

November 22, 1985

TO:

Jim Penfold, Chief, Compliance/Review Section

FROM:

Connie Knight, Supervisor Chemical Analysis Section

SUBJECT:

Holden, Missouri PCB's

Analytical results for a series of samples collected at Holden, Missouri by Larry Alderson are given below. The samples were analyzed by GC/ECD and quantitated as Arochlor 1254. Any other arochlors which may be present were not quantitated or identified. Because of matrix interferences which were present in some of the samples the listed detection limits vary over a considerable range. Those samples marked with an asterisk (*) may possibly contain some degraded arochlors that could not be identified by the method employed. A derivatization technique will be performed to obtain additional confirmation of the presence of PCB's, however the results will not be arochlor specific but will confirm the presence of any of the arochlor isomers.

Sample #	Description	Arochlor 1254
*85-7556	Holden Sewage Treatment Influent.	<4.0 ug/l
85-7557	Holden Sewage Treatment Effluent.	1.0 ug/1
85-7558	Sample of seep over trunk line.	<0.4 ug/1
85-7559	Sediment sample from tributary below Rose Chemical.	approximately 860 ug/Kg
*85~7560	Water sample from tributary below Rose Chemical.	<0.4 ug/1
85-7561	Sediment sample from E. Branch Pin Oak above sewage treatment	approximately 1700 ug/Kg
85-7562	Water sample from E. Branch Pin Oak above sewage treatment plant.	<0.4 ug/1

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Division of Geology and Land Survey
Division of Management Services
Division of Parks and
Historic Preservation

Memo to Jim Penfold November 22, 1985 Page Two

Sample #	Description	Arochlor 1254
85-7563	Water sample from E. Branch Pin Oak below sewage treatment plant effluent.	< 0.8 ug/l
85-7564	Sediment sample from E. Branch Pin Oak below sewage treatment plant effluent.	approximately 430 ug/Kg
85-7565	Water sample from E. Branch Pin Oak at Highway 58 Bridge.	< 0.4 ¿ug/1
85-7566	Sediment sample from E. Branch Pin Oak at Highway 58 Bridge.	< 430 ug/Kg
85-7567	Water sample from tributary above Rose Chemical	< 0.4 ug/1
* 35 - 7568	Sediment sample from tributary above Rose Chemical.	< 430 ug/Kg
*85-7569	Water sample from sewer manhole on Highway 58.	< 4.0 ug/1
85-7570	Water sample from manhole south- west of main building Rose Chemic	8.8 ug/l al.
85-7571	Water from manhole upstream east of Rose Chemical.	<4.0 ug/1
85-7572	Soil sample - composite of 5 aliquots from Gene Bore property.	<430 ug/Kg
85-7573	Soil sample - composite of 5 aliquots from Ivan Tompkins property.	<43 ug/Kg
85-7574	Soil sample - composite of 5 aliquots from Carol Stout property.	approximately 1300 ug/Kg
85-7575	Soil sample - composite of 5 aliquots from Terry Kennedy property.	<43 ug/Kg
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November 22, 1985
Page Three

Sample #	Description	Arochlor 1254
85-7577	Water sample W. Branch Pin Oak 1/3 mile above confluence of E. Branch.	<0.4 ug/l
85-7579	Water sample Pin Oak below confluence of West Branch.	< 0.8 ug/1
85-7581	Water sample above confluence of N. flowing tributary and Pin Oak Creek (center of section 35 T46N R28W).	< 0.4 ug/1
85 - 7582	Sediment sample above confluence of N. flowing tributary and Pin Oak Creek (center of Section 35 T46N R28W).	< 43 ug/Kg
85-7583	Water sample Pin Oak Creek above N. flowing tributary (section 35)	
85-7584	Sediment sample Pin Oak Creek above confluence of N. flowing tributary (section 35).	< 43 ug/Kg
85-7585	Water sample tributary above Pin Oak Creek at County Road Bridge (section 25 T46N R28W).	< 0.4 ug/1
85-7586	Sediment sample tributary above Pin Oak Creek at County Road Bridge (section 25 T46N R28N).	< 43 ug/Kg
85-7587	South Fork Blackwater River water sample.	< 0.4 ug/l
85-7588	South Fork Blackwater River sediment sample.	< 43 ug/Kg
85-7589	South Fork Blackwater River Bridge water sample (section 19 T46 N R27W).	< 1.2 ug/1
85 -7 590	South Fork Blackwater River Bridge Sediment sample (section 19 T46N R27W).	< 43 ug/Kg

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February 28, 1986 8:50 a.m.

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TELEPHONE CONVERSATION RECORD

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In the south warehouse he found a lot of "empty drums" which he had previously reported and photographed.

The following codes will apply to the estimated inventories shown below:

M miscellaneous solid waste

CP capacitor core paper

4A capacitor cores

C capacitors

0 oil

OX capacitor oil

Number of pallets at 4 drums each	Number of drums	Contents
100	400	м
100	400	M
29	116	 M
180	720	CP and 4A
140	560	M
104	416	M and CP
250	1,000	O and OX
58	232	0
961	3.844	

These represent drums actually counted. Could easily add 1500 drums to this (full drums)

° Capacitor core.room. During the previous inspection he estimated 26,250 paper bags of capacitor cores. If we assume a 50-pound average, this would amount to 1,312,500 lbs. Employees said bags could weigh up to 70 lbs. Fifty is a good average.

15 pallets @ 4 drums each (60) had been removed from the room but were still on the premises.

- Ten paper bags of lab files, he guesses weigh about 35 pounds per bag. While they are marked with PCB stickers, they are undated. David doesn't know if these should be counted.
- ° 100 PCB-contaminated transformers 300 PCB transformers, some as high as 400,000 ppm PCBs. Medium to large size, some taller than Ramsey. Not little stuff. Some drained, some not. At least greater than 15 gallon size.

David said to add another 100 transformers to that amount and it would still be conservative.

- ° Steel capacitor core bin, 10 ft x 24 ft x 24x (5,760 cu ft). FULL
- Plywood crates, 4 ft x 4 ft x 4 ft (64 cu ft).
 492 crates total, broken down as follows:
 270 Code C
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There are also pumps, hoses, cutting equipment, miscellaneous items.

They do not keep an inventory, said everything is in their records. If we want more information, we'll have to get it from the records. David said if this becomes necessary we will have to take a whole crew of people to go through records.

Rose Co. file

February 26, 1986

LEO

1. Art said to tell you that John Paul Goetz, KDHE, will be calling you re hazardous waste manifests going to NEIS, from the period 1978 through 1985. He does not think there was any information provided to NEIS that PCBs were in the waste originating from <u>Vulcan</u>. Art will tell Tripp to hold off on the <u>subpoena</u>. Hopefully, the manifests will tell us what we need to know.

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2. At approximately 2:30 today, David Ramsey called me from Rose. He stated that he arrived at 12:45, issued a notice of inspection for the rest of the month (all week), and was told at that time a meeting with employees was planned for 1:00, that the company was shutting down. He stated that the employees were told they could work through Friday if they wanted to, but the business would be closed as of cob Friday. Most employees began filing out, but David noticed about four or five still "in the back" working. He called to notify us and ask what we wanted done. I put him on hold until I spoke with Art.

Art wanted to talk with Tripp about closure plan and financial assurance from Rose, so we asked David to call us back at 3:00 from a telephone outside the facility.

Gary and Becca went to the CBI room to try to find the wanted documents that Gary believed were CBI. Bob Fenemore and I looked through the Rose permit file, but really could not find anything of substance requiring the firm to set up any kind of trust. Art found a document that indicated approximately \$2,000 was set aside for closure.

David called back at 3:00 and Rompage, Spratlin, Fenemore, and I received the call in Spratlin's office.

David said his brief inspection showed that some progress, though very little, had been made on getting things in order. Some drums on the third tier (?) had been banded. Mostly things were the way they were during his last visit. Officials told him that they had all their trucks back and that nothing would be going in or out anymore. He stated that Pat Perrin would now be working for American Steel next door, and that Sharon (?) would be moving next door to be the receptionist. Morale was extremely low among employees and things were very sad at the plant after the meeting. He said there will no longer be a PCB division of Martha C. Rose Chemical Co. We asked what else there was, and he indicated American Steel fabricates metal boxes.

David stated that Rose sent a letter February 17 to ENSV reporting the spill discussed previously by Rüben.

"ENFORCEMENT SENSITIVE"

Page 2

In talking with Pat Perrin and Dwight Thomas, David was told that as far as they were concerned, the material will set there and "maybe we [EPA] could get involved." We asked Superfund? He said yes.

I have been a surface a made that have the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the con

Art said that we would like to contact Rose's attorney and get back with David in a little while. He was at a telephone booth (816-732-9896) and would wait for our call.

Henry called Scott Goldstein, attorney (474-8100), and told him our man was at Rose and had just been informed the company was closing down as of Friday afternoon. He asked if that were true and if so, what were the company's intentions on closure. The attorney seemed somewhat reluctant to talk freely about the matter and carefully weighed his statements. In answer to Henry he stated that that was probably what was going to happen, but they were not absolutely sure.

Henry: Will the company properly close the facility?

Goldstein: That decision has not been reached.

Henry: What is there to reach?

Goldstein: I'm not sure they can. What assets they have left they are going to...I'm not sure...who is going to make that decision.

Henry: There are two things here. First, there is a closure plan for the facility. And who is going to make the decision?

Goldstein: There is a plan which estimates what it is going to cost to close, but I'm not sure Rose has the assets to do that. I'm not sure if they're going into Chapter 7 bankruptcy...

Henry: I'm sure that decisions will be made rapidly here. I request you keep me advised.

Henry talked about attorney-client privileges, and stated he understood that, but that we were involved in this and there were some things he had to be informed of.

We called David back, told him to go ahead and do another complete inventory, take plenty of pictures so that we can substantiate any changes that might take place. While we discussed having David inform the mayor and fire/police chiefs of the rumor and ask for loose surveillance of activities at the site, we decided not to do so. Inasmuch as the rumor would be spread as soon as employees began finding out, we believed that we should have more than just some "we've heard" information before contacting city officials.

Art will inform Public Affairs (Rowena is absent) about the situation. Our only reply will be that we have heard rumors to the effect of closing; we are investigating to subtantiate it.

"ENFORCEMENT SENSITIVE"

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JOHN ASHCROFT Gavernor

FREDERICK A. BRUNNER Director



Division of Geology and Land Surve Division of Management Services

Division of Parks and Historic Preservation

Division of Energy Division of Environmental Quality

STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES

MEMORANDUM

DATE:

November 22, 1985

TO:

Jim Penfold, Chief, Compliance/Review Section

FROM:

Connie Knight, Supervisor Chemical Analysis Section

SUBJECT:

Holden, Missouri PCB's

Analytical results for a series of samples collected at Holden, Missouri by Larry Alderson are given below. The samples were analyzed by GC/ECD and quantitated as Arochlor 1254. Any other arochlors which may be present were not quantitated or identified. Because of matrix interferences which were present in some of the samples the listed detection limits vary over a considerable range. Those samples marked with an asterisk (*) may possibly contain some degraded arochlors that could not be identified by the method employed. A derivatization technique will be performed to obtain additional confirmation of the presence of PCB's, however the results will not be arochlor specific but will confirm the presence of any of the arochlor isomers.

Sample #	Description	Arochlor 1254
*85-7556	Holden Sewage Treatment Influent.	<4.0 ug/1
85-7557	Holden Sewage Treatment Effluent.	1.0 ug/1
85-7558	Sample of seep over trunk line.	<0.4 ug/1
85 - 7559	Sediment sample from tributary below Rose Chemical.	approximately 860 ug/Kg
*85-75 60	Water sample from tributary below Rose Chemical.	<0.4 ug/l
85 - 7561	Sediment sample from E. Branch Pin Oak above sewage treatment	approximately 1700 ug/Kg
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9-8-816-353-500/

MISSOURI DEPARTMENT OF NATURAL RESOURCES Division of Environmental Quality Field Sheet and Chain of Custody Record



Collector's Name and Affiliation (Please Print)			/ / /					Sample Category		
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85-3898	B HORDE Film - Le		1985 1985	1230		wis (PCB+)				3227
85-3894	Lahmen's Farm - Johnson County - assumed stream - appear 50 yds upstream from authorize To hake - Grab		22 October 1985	ા૩૬૬	Polychiar: world B. plemis (PCBa)					3227
85-3895	Lahmon's farm - Loluson County - unsume stram - Approx 50 yts. aptream from southerne To Lake - Good Subject Sample		1985	1335	Polychlerinated Biphinols (PCB4)					3227
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RECEIVED

Mr. Larry R. Gale
Director
Missouri Department of Conservation
P.O. Box 180
Jefferson City, Missouri 65102

OCT 16 1985

DIRECTOR'S OFFICE CONSERVATION COMMISSION

Dear Mr. Gale:

I read your October issue of Missouri Conservationist and felt bitter. We have subscribed to your magazine for nine years and have enjoyed every issue, but I can't relate to it anymore.

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We are a city couple who moved with our two children to the country. We have a 50 acre farm and raise a few cattle and have bee hives. To our horror, we have acquired two companies in Johnson County within the last 2 1/2 years which are processing polychlorinated biphenyl (PCB) transformers. The companies moved in quietly, both have changed their company names twice and are conducting as far as I am concerned a "rape of our land" with a radius of 50 miles. They have dumped their PCB in the ditches along side the roads, dumped on a farm in Kingsville, Missouri, dumped in the sewers of Holden, Missouri, dumped into tributaries which run into Pin Oak Creek, and in general are contaminating this area.

We, as citizens, have called EPA and Natural Resources to investigate the operations of both plants and take samples where the dumping has taken place. So far, both plants are in full operation.

This summer our son went fishing in a nearby neighbor's lake and he stocked our freezer with the fish. After learning about the dumping of PCB's on a neighbor's farm, we are afraid to eat the fish. The contaminated farm has a stream which runs into the lake where my son fished. He and his friends are afraid to hunt this area around here which is abundant with deer, because of possible contamination. PCB is a silent killer. PCB's are collected in the fatty tissue of animals, fish, fowl and humans. As the animals, fish and fowl drink the contaminated water, there is a buildup of PCB's. If humans eat the animals, the PCB's are then deposited in our fatty tissue and there is a buildup, until finally with enough PCB's, one can die from cancer. There is no way to get the PCB's out of one's body. PCB's are carcinogenic.

We are pleading for help. These two companies, Martha C. Rose Chemicals, Inc. of Holden, Missouri, and PCB Disposal Systems of Kingsville, Missouri, are still in operation even though they have been fined by the Environmental Protection Agency. Martha C. Rose, Inc. has been fined over \$200,000.00.

The farmers in Holden have free use of the sludge from the sewers to use as fertilizer for their corps. They have unknowingly sprayed this sludge laced with PCB on their fields. Our livestock and wild animals are drinking from water where PCB's are present. The fish in the streams will contain PCB's. No one seems to understand that people for miles will be affected by the careless operation of these two companies who are contaminating our environment. All of our crops and cattle are sold to Warrensburg, Holden, Pleasant Hill and Kansas City areas

to be consumed by humans in those areas. We are an agricultural state! How can anyone stand by and do nothing. Hear our pleatit is for your welfare too!

Commence of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of the solution of th

Both of these plants are seeking a permit from EPA to operate an incinerator to destroy PCB's. Can you imagine a company being considered for a permit for such a complicated operation as that of an incinerator? If the incinerator is not at a proper burn, it produces DIOXIN which is spewed into the air and could contaminate up to 50 miles.

Can you run a story in your magazine telling people of Missouri our plight? We need help so badly, but no one wants to get involved.

Is there anyone out there who cares anymore? Is greed of fast money all the counts with no regard to human life and nature? Our grass will turn brown, our fish, cattle, fowl and crops will be contaminated eventually—we will keep calling for help until we are gone.

Sincerely yours,

Mrs. Pat Sullins

A subscriber to Missouri Conservationist

P.S. Attached are copies of letters to Martha C. Rose Co., Inc., from the EPA Regional Office which has done nothing so far, except to fine them over \$200,000.00. Isn't it interesting the EPA is the same agency which will grant the permit of the incinerator? Is that, in all generalities, considered a payoff?

Dan Boos

Speed-E-Memo

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_	Mr.	Tony	Petruska	EPA	· · · · · · · · · · · · · · · · · · ·	9/17/
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	have f	orward		fulfill your etter to the	request.	We

Pursuant to our conversation on or about August 22nd or 23rd, DNR is initiating an investigation.

From the desk of:	Water Pollution Control Program			
James F. Penfold	 () Water Quality Planning () Permits (X) Compliance/Review () Staff Services () Administration Section () Engineering Section () Environmental Assessment Sect. () Support Section 			

Department of Natural Resources Division of Environmental Quality Box 1368 - Jefferson City, MO 65102 314/751-3241

JOHN ASHCROFT

FREDERICK A. BRUNNER



STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES

Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks and
Historic Preservation

WPC

MEMORANDUM

DATE:

August 23, 1985

10:

Frederick A. Brunher, Ph.D. P.E., Director

Department of Natural Resources

FROM:

obert J. Schreibur, Jy., P.E

Division of Environmental Qual Aty

SUBJECT: Complaint Regarding Chemical Company in Holden, Missouri

On Tuesday, August 20, 1985, Mr. James Penfold of the Water Pollution Control Program received a telephone call from Ms. Mary Schantz of the Lt. Covernor's office. Ms. Schantz had received a telephone call over the Lt. Covernor's "hot line" from the Mayor of the City of 'bloden. The Mayor's name is Mr. Francis Brillhart, telephone number 816/732-6770. Mayor Brillhart had expressed the concern that the Rose Chemical Company, also known as the Carolyn Company, was releasing hazardous compounds or chemicals into the air and water. The mayor was concerned because it did not appear as if the Environmental Protection Agency nor state government agencies were involved and were successfully resolving these problems.

In a telephone conversation on Thursday, August 22, 1985, Mayor Brillhart outlined his concerns to Mr. Penfold. The Mayor indicated that many residents of the City of Holden are concerned about the activities of Rose Chemical Company. Rose Chemical Company is involved in the reprocessing of chemicals and the removal and destruction of polychlorinated biphenals (PCB's). The following items represent a listing of the concerns which the mayor discussed. The Mayor indicated that all of these concerns are largely unsubstantiated comments of workers, former workers, individuals who have discussed these matters with employees of Rose Chemical and area residents. The list of the Mayor's concerns include:

- A report of deer found dead near the stream which carries discharges from the chemical company.
- A report by a farmer of dead cattle and livestock abortions in a herd which had contact with a stream which carries wastes from the Rose Chemical Company.

Memorandum Frederick A. Brunner, Ph.D. August 23, 1985 page two

- Reports by workers that they were instructed to dump contaminated wastewater during periods of high stream flow or during periods of heavy rainfall.
- Statements by people that there is a waste disposal room within the Rose Chemical plant where chemicals are "dumped and allowed to leak out".
- Reports by area fishermen that there are few or no fish in the stream which carries the wastewater from the chemical plant. (It should be noted that this stream also carries the effluent from the Holden Sewage Treatment Plant.)
- The reported discharge of workers who have complained to the Environmental Protection Agency regarding dumping incidents or orders to dump waste products.
- Reports by individuals who live in the area of the chemical company that there are strong chemical odors in the air and that, on occasion, eyes and lips burn when they are outside during the strong odor periods.
- Reports that patrons of nearby restaurants have left the restaurants because of the strong chemical odors from the chemical company.
- Refusal of the chemical company manager to allow access to the facility except after a two week waiting period.

Mayor Brillhart informed Mr. Penfold that he had been in contact with staff of the Environmental Protection Agency. Mayor Brillhart indicated a certain unhappiness over the response given him by the EPA staff persons. As stated by Mayor Brillhart, EPA basically told him that if he could develop "hard facts" they would take action against Rose Chemicals Company. Mayor Brillhart could not identify the names of the staffers at EPA with whom he had spoken. See the background comment below about EPA activities.

Memorandum Frederick A. Brunner, Ph.D. August 23, 1985 page three

Mayor Brillhart requested information as to how the City of Holden should proceed to investigate this matter and to develop the data needed for the EPA to take action. He asked for information about laboratories which might conduct the necessary tests to determine whether there was chemical contamination of the air and water.

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Mr. Penfold recommended that Mayor Brillhart contact the Department of Natural Resources and request the assistance of the Department in this matter. The suggestion was made that Mayor Brillhart make this request for assistance to the Department Director in the form of a letter which outlines the concerns which have been expressed to him as the Mayor of the City of Holden.

As background information regarding the Rose Chemical Company, the Company has been issued an NPDES permit for the release of uncontaminated storm water from the plant site. Several times during the permit issuance process, the company manager indicated displeasure that contaminated materials could not be discharged in the wastewater. The Kansas City Regional Office has not received complaints regarding the Rose Chemical Company of Holden, Missouri. The Department of Conservation, Fisheries Research Section, does not have a record of fish kill incidents which have occurred due to discharges from the Rose Chemical Company or in streams in the vicinity of Holden, Missouri. The Waste Management Program does not have direct authority over this issue because PCD's are regulated under the Toxic Substances Control Act which is the primary responsibility of EPA.

About a year ago, the EPA Toxics and Pesticides Branch inspected the Rose Chemical Company and identified various violations. EPA filed a lawsuit against Rose Chemical Company seeking remedial actions and about \$176,000 in penalties. This litigation is still underway. EPA Toxics and Pesticides Branch staff have had a number of telephone contacts with Mayor Brillhart. They have received his complaints and concerns and have asked him for facts (i.e. dates, times, places, names, drum numbers, types of material, etc.) to substantiate the hearsay allegations he had telephoned to them. These may be the "hard facts" Mayor Brillhart said that the EPA told him to get. in addition, because of the on-going litigation, EPA has not been able to provide Mayor Brillhart with detailed information about the Rose Chemical Company or the proposed remedial actions. EPA fears that a release of this information would affect the outcome of their case.

Memorandum Frederick A. Brunner, Ph.D. August 23, 1985 page four

It is my recommendation that a joint air pollution/water pollution inspection be conducted of the Rose Chemical Company. Waste Management Program involvement should occur if there are RCRA issues involved. It is obvious that the Mayor and residents of the City of Holden are very much concerned about the activities of the chemical company. The only way to adequately address and, hopefully, resolve these concerns is through the development of environmental data regarding the company's operation. This data would enable the Department to know whether concerns are unfounded or whether further enforcement action should be initiated by DNR or EPA. Any DNR inspection activity should be coordinated with the EPA Toxics and Pesticides Branch to assure the State actions do not adversely affect the outcome of the on-going EPA litigation.

RJS:jpb

cc: Mr. Tony Petruska
Environmental Protection Agency
Region VII
Toxics and Pesticides Branch
726 Minnesota Avenue
Kansas City, Kansas 66101

Ms. Mary Schantz Lt. Covernor's Office Jun Prinfale (314) 751-3241
MDUR - Water Politikan Contact

Recional Calle exteriory from Mayor of Holding Francis Brillhords

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He is concerned simil Problems from Nove Chiminal. He alice contacted Lt. Common office.

MONE Wants fount our -water mentoring project with GRA-MOR for Holden.

Mr. Perfold will still menter to me summarizing complaint and our civil against Rose.

Jim Penfold MONR

Sampled surage sludge. PCBS at surage treatment plant. 2.9 PPM & 6 PPM (1/4-1/2 mill away)
Sediment sample . 5 PPM in creek leading from site

Did more sampling yesterday. = # samples taken from 24 locations. Results by end of month.

Rose is so on last segment of sever before treatment plant

Herold Patrick - Head of Regional Office program coordinates MDUR activities at Rose. May want joint respection - EPA MOUR - OSHA

IOHN ASHCROFT

FREDERICK A. BRUNNER Discourse



Division of Energy Division of Environmental Out Division of Geology and Land Su Division of Management Service Division of Parks and

Historic Preservation

STATE OF MISSOURI

DEPARTMENT OF NATURAL RESOURCES

MEMORANDUM

DATE:

February 28, 1986

TO:

Kansas City Regional Office (cConathy,

FROM:

SUBJECT:

PCB Analysis Results den. Missoury

The attached list summarizes the analytical results of samples collected at Holden, Missouri. These samples were analyzed by two different procedures, therefore two results are given for each sample. The first column lists quantitative values for Arochlor 1254. These values were derived by analyzing each sample according to EPA method 608 and SW-846. Quantification limits for the samples vary significantly because of interferences which were present in the samples.

The second quantitation performed on each sample is the result of a derivatization to saturate any biphenyl structures present with chlorine and then quantitate the resulting decahlorobiphenyl (DCB). The procedure was taken from the EPA publication entitled Manual of Analytical Methods for the Analysis of Pesticides in Humans and Environmental Samples. derivatization procedure will detect any arochlors which may be present in sample as well as any un-chlorinated biphenyl which may be present. The reported quantitation limits for the DCB analyses also vary due to interferences in the sample or the amount of sample extract available for use in the derivatization procedure. The DCB results should be viewed as confirmation of the Arochlor 1254 results and indication of the possible presence of other unidentified arochlors.

JHL: 1r

Attachment (Results)

cc: James Penfold, WPC

ANALYTICAL RESULTS HOLDEN, MISSOURI SITE

1

SAMPLE NUMBER	AROCHLOR 1254	DCB
85-7556	< 4.0 ug/1	28.3 ug/1
85-7557	1.0 ug/l	2.3 ug/1
85-7558	< 0.4 ug/l	1.4 ug/1
85-7559	840 ug/kg	2400 ug/kg
85-7560	< 0.4 ug/l	17 ug/1
85-7561	1300 ug/kg	1000 ug/kg
85-7562	< 0.4 ug/l	< 8.0 ug/1
85-7563	< 0.9 ug/l	N/A
85-7564	< 430 ug/kg	<pre> < 1000 ug/kg</pre>
85-7565	< 0.4 ug/1	13 ug/1
85-7566	< 430 ug/kg	< 1000 ug/kg
85-7567	< 0.4 ug/1	< 8.0 ug/1
85-7568	· · · < 430 ug/kg	< 1000 ug/kg
85-7569	< 4.0 ug/1	20.7 ug/1
85-7570	8.8 ug/l	13.7 ug/1
85-7571	< 4.0 ug/l	80.7 ug/1
85-7572	< 430 ug/kg	< 1000 ug/kg
85-7573	< 43 ug/kg	< 830 ug/kg
85-7574	1200 ug/kg	2900 ug/kg
85-7575	< 43 ug/kg	< 830 ug/kg
85-7576	< 43 ug/kg	< 830 ug/kg
85-7577	< 0.4 ug/l	< 8 ug/l
85-7578	< 430 ug/kg	< 1000 ug/kg
85- 7579	< 0.9 ug/1	< 16 ug/l
85-7 580	< '430 ug/kg	< 1000 ug/kg
85-7581	< 0.4 ug/l	< 8.0 ug/l
85-7582	< 43 ug/kg	< 830 ug/kg
85-7583	< 0.4 ug/l	< 8.0 ug/1
85-7584	< 43 ug/kg	< 830 ug/kg
85-7585	< 0.4 ug/1	N/A
85-7586	< 43 ug/kg	< 830 ug/kg
85-7587	< 0.4 ug/1	< 8.0 ug/1
85-7588	< 43 ug/kg	< 830 ug/kg
85-7589	< 1.2 ug/1	30 ug/1
85-7590	< 43 ug/kg	< 830 ug/kg

IOHN ASHCROFT

Director

Guvernor FREDERICK A. BRUNNER



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Division of Energy Division of Environmental Quali Division of Geology and Land Sur Division of Management Service Division of Parks and Historic Preservation

STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY P.O. Box 176

Jefferson City, MO 65102 314-751-3241

LABORATORY SERVICES PROGRAM RESULT OF SAMPLE ANALYSIS

Sample No. 85-3911

RESULTS

Reported to: James McConathy

Affiliation: KCRO

Date: 12/27/85

Project Code: 3221/3000

Sample Description:

HOLDEN WWTP, JOHNSON CO., GRAB SAMPLE, PRIMARY SLUDGE FROM SPIROGESTER

Collected by: JIM MCCONATHY

Affiliation: KCRO

Date: 09/25/85

PARAMETERS

Aroclor-1016	Not Analyzed
Aroclor-1221	Not Analyzed
Aroclor-1232	Not Analyzed
Aroclor-1242	Not Analyzed
Aroclor-1254	2400 ug/Kg -
Aroclor-1248	Not Analyzed
Aroclor-1260	Not Analyzed
Comments : Not a dry weigh	nt calculation.

Decachlorobiphenyl by derivatization 1700 ug/Kg Comments: Not a dry weight calculation.

JOHN ASHCROFT
Governor

FREDERICK A. BRUNNER .

Director



Division of Energy
Division of Environmental Qual
Division of Geology and Land Su
Division of Management ServicDivision of Parks and
Historic Preservation

STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

P.O. Box 176 Jefferson City, MO 65102 314-751-3241

Page 2 Sample No. 85-3911 Date 12/27/85

The analysis of this sample was performed in accordance with procedures as outlined in the latest edition of <u>Standard</u> Methods for the Examination of Water and Wastewater, EPA Manual of <u>Methods</u> for Chemical Analysis of Water and Wastes, and/or Annual Book of ASTM Standards.

James H. Long, Director

Laboratory Services/Program

Division of Environmental Quality

cc: Jim Penfold, WPC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Local Section 1915

REGION 7 25 FUNSTON ROAD KANSAS CITY, KANSAS 66115

February 20, 1986

MEMORANDUM

SUBJECT: Record of Communications Regarding Martha C. Rose Chemicals, Inc.

PCB Spill #02146-J-1653

TO:

Ruben McCullers

ARTX/TOPE

FROM:

Charles P. Hensley

EP&R/ENSV

The following is a brief chronology of Jeff Weatherford's (of my staff) phone conversations concerning a PCB spill at the Martha C. Rose Chemicals, Incorporated, Holden, Missouri.

February 18, 1986

1655 hours - Called Mr. Perrin of Rose Chemicals. He stated that water expansion in a process tank caused approximately 50 gallons of PCB laden oil to spill inside a building and within an area contained by a 6-inch curb. It took six to seven people an estimated two hours to clean up and drum the contaminated material.

February 19, 1986

1025 hours - Called John Schofield (MDNR). Rose Chemical told him that 50 gallons of PCB oil had been spilled and cleaned up.

1105 hours - Called Mayor Francis Brillhart, Holden, Missouri. He stated his source saw at least 400 gallons spilled. The mayor's source wishes to remain anonymous.

If you have any questions or comments, please contact Jeff Weatherford at 236-3888.

Attachments

cc: Kent Johnson, CNSL

EMERGRACY	PL	AHA.	IIG	AND	RESP	DISI

02, 14;86 , SPILL REPORT FORM
Initials: JRT 02/46_J_1653 Distribution Spill Number
Time: 1653
Date Closed
REAL SPILL?: (Y or H)
REPORTER CODE:
2-82C 6-808C 10-80 Other 14-Other Fed. Miss. Chem. Spills 4 5 6 3-82C 7-2082 11-24 Other 15-48ON PCS Spills 7 8 9 4-8083 -8-Priv. Citisen, 12-82 Other 16-274 Other Isoidents 10 11 12
If OTHER give OTHER:
COMPANT: MAISTIFF C RESE CHEMICALS, INC. MAYOR COMPANT: MAISTIFF C RESE CHEMICALS, CONTACT HAME: FRANCIS BRILLHARI
COMPANY: MAISTIFF C RESE CHEMICALS, CONTACT HAME: FRANCIS BRILLHARD
STREET: 500 WEST MCKISSOCK CITY/COUNTY: HOLDEN/ John 502
STATE: MO ZIP: 64 TELEPHONE - AREA CODE: 7 DIGIT NO:
>>>SPILL IMPORNATION CCC MAGNIANCE SC-1
INCIDENT TYPE: 1-Motor Tob. 4-Pipoline 7-Ug Tank 10-Other 11-Prec Piro 11-Prec Piro 12-Air 3-Narise 6-Tank 9-Pixed Pac. 12-Air Sclosec
SPILL DATE: 02 14 86 TIME: 1300 DISCOVERY DATE: TIME:
SPILL LOCATION: MARTHA. C. ROSE. CHEMICAL.
SPILL CITY: HOLDE. SPILL COUNTY: STATE: 120'
PRIMARY MATERIAL SPILLED: Topological
EXACT OR OTHER MATERIAL NAME:
AMOUNT SPILLED 4500. UNIT CODE: 1 1-Gollons 4-Tons 7-PPH 8-Pint 3-Barrols 6-Bakasus Qty 9-Quart
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Division of Environmental Quality Field Sheet and Chain of Custody Record

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POSE THERI PURITE SAMINE 25-7562 PALLA MAINE		4 '	1130	PC	'ろ						11
Chain of Custody Record					If Shipped		De	live	red	Picke	ed Up
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- 437101211 1420016ES

Division of Environmental Quality Field Sheet and Chain of Custody Record

Collector's Name and Affiliation (Please Print)				Description of Shipment No. of Samples/								
12:01	LARRY REDERECH MARKE			No. of Containers 7 How Sealed Jan Commen							Major Field	
1 1	Sample			ected			Fie	eld Ana		Code		
No.	Sample Description		Date	Time	Analyse	es Requested	j j			·	-	
55-7563	Rose ('HEM' WATER SAMPLE' PIN' OAK THEE!		10/2/4	-1140	P	CB	1				3227	
95.756.4	ROSE CHEAT SERIMENT SAMULE TINDEN BALLY	TRUIT E BEALICH	/1	11.15	. 1-	'CR					11	
\$5-751.5	POSE CHEM WHITER SHOTON	1 Tom E. Finish	′'	1200		CB					11	
1	ROSE CHERA DESIRENT STOPPE PULLED STOPPE		,,	1265	,	C5					*,	
35.7-1.7		•	"	1315	12	<u> </u>						
15-79-8	Loss Character Same		/-	/33c		Pc /s					7.	
1 / S1 = 1 9	Post Glein punter Vanitation Custody Record	GENER GEWEL MARK-	.,	1340	Po	- R				l Bi chi	//	
\		 		~~		If Shipped		Deliv		Picke		
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Relinquishe	ed By	Received By				Carrier						
Sealed	☐ Shipped	Sealed										
Relinquishe	d By	Received By				Carrier						
[] Sealed	☐ Shipped	Sealed										

(Use Reverse Side for Notes and Remarks)

31

Division of Environmental Quality Field Sheet and Chain of Custody Record

Collector's	Name and Affiliatio	n (Please Print)	Descri	ption of	Shipmen	t No. of S	Sample	e s	7		Project/
LARRY	ALDERSON	MANIZ	No. of	Contain	ers	// How 5	Seale	d <u>2//9</u>	3. C.	11.15	Major Field
Sample			Coll	ected			Fi	eld An	lyses		Code
No.	Sample Description	,	Date	Time	Analys	es Requested			1 1		
25. 7620	RUSS CHUM WATER SAMPLE A SIN 25 MIGHT SHIP	FROM MANHOLE LINE KOSE CHEM	iolales	1315		B					3224
95-75-71	RUSE CILEM WATER FROM MAN	HOLE UPSTREAM	//	1410		OA CB					/1
13: 7572	FROM COUR SUR		11	14:0	ĵ.	CB.					11
35.7573	فيهجون والمتراط والمتراط والمتراط والمتراط والمتراط والمتراط والمتراط والمتراط والمتراط والمتراط والمتراط	SITE FOR PUF 5 ACIDIOTS MPKINS PROTERTY	1	15:0	F	C B					
95-7575 FORM CHARL STRUT PROPERTY			. ,,	1525	,**	CB					4.1
95:1575	ROSE CHEM SUN, SAMPLE CO TEUR TIREY K	MP OF & RUQUOTS	,,	1540	Po	<u>'B</u>					7 0
J5-7576	RUSE CHEMI SON PANNE COM	·	,,'	1600	Pl	1 <u>B</u>					"
Chain of	Custody Record				l	If Shipped	j	Deliv	ered	Picke	ed Up
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	· :	(Use Reve	rse Side	for Not	es and R	emarks)				-	

Division of Environmental Quality Field Sheet and Chain of Custody Record

Collector's Name and Affiliation (Please Print)			Description of Shipment No. of Samples 7								
LARRY	ALDURSON	MONR	No. of	Contair	ners	-7 How	Seale	a <u>.e/;</u>	200	147	Major Field
Sample			Collected			Fig	Code				
No.	Sample Description	·	Date .	Time	Analys	es Request e d					j
	1	W.BRANCH PIN	142/25		PC	B					2220
1.95 7577		PROPER CONFESSIONES !	F. Falsi	1.114	 		-				3227
185-7578		W. BIZANCH PIN CAK		16.48	PUB	• .					,, .
15. 7579	A SE COLINA	T. S. Area PIN OA C.	l :	11.50	Po	S.					11
35.75.50	Ruse Crien	ENERATE PIN UNA	i	1720	ي مهم	<u>.</u>	-				
	FULF CARALLAND	INE CONFLUENCE OF	4	1795	Fil. 1						/1
	Love Colom	HEAR CAPPENCHER OF 12:10:2 OFFIE 18		1250	ے تر	ß					11
'' /	Ruse Criens Pal Water rample Pal M. Flowing T. Mantage	OFK CREER ABORE	1	1753	Per	, В					la .
Chain of	Custody Record					If Shipped		Deliv	ered	Picke	ed Up
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1	in snipped	I C Segred	- C/J-)	<u>`</u>	· · · · · ·			L

Division of Environmental Quality :

Collector's	Name and Affiliatio	n (Please Print)	Descri	tion of	Shipmen	t No. of	Sample	s			Project/
1 ARRY	. DIDNESON	MONR	.	Contain	ers	How :	Sealed			. D	Major Field
Sample			Co11	ected			Fie	ld Ana	lyses		Code
No.	Sample Description	7 1	Date	Time	Analyse	es Requested					· .
25-7584	ROSE CARM SEDIMENT SAMPL ABOVE CONFLUENCE	E PINDAK CREEK N.FLOWING U. OF THISHINAY (STES	13/2/25	1300	FC	ZB					3227
٠		PISHIARY ABOVE PILL	"	1820	72.	7					4
35.7595	OAK GEEK AT POST.	my Kd BriDGE (SIC 25	"4011 R	18us)	1-0	· · · · · · · · · · · · · · · · · · ·					<u> </u>
1577586	SUSE CHIM SESIMENT SOMELE TA CAN COUNTY SE SOUND	CONTARY PAUL PAN 4 FO E-WOL (SPC 25 TH	4	1025	P.º	ಿದೆ					1.
35-7557	FOSE CHEM SOUTH FORE BLI	OCZWOTER KINER	<i>h</i>	15,35	P	C <i>B</i>					1,
E,5-7588	ROSE CHEM SOMIN FURK BUT SUTTIMENT SOM	ACK JURTOR RIPER MISCE Hury 131	/1	1940	P	< B					et
85-1501	WATER TAMPIE	CSEC 19 746N R.	105E 7N) '\	184	- <i>j</i>	[©] ⊂B					10
	FC SENINENT RA	ACKNITTER RIVER	ERIUL [27.0]	1854	P	CB					1.
	Custody Record				1	If Shipped		Deliv	ered	Pick	ed Up
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Division of Environmental Quality Field Sheet and Chain of Custody Record

Collector's Name and Affiliation (Please Print)			·	Description of Shipment No. of Samples / No. of Containers 2 How Sealed							Project/ Major Field
Sample No.	Sample Description	•	Coll Date	ected Time	Analys	es Requested	Field Ana		lyses		Code
	Kose CHEM		-		 			 	-	11	
3c. 7591	VOA FIRE	D BIRINE	10/2/0	•	110	OA				3 2	227
7											
								1	- -	+	
									- -	1	
											 -
										1 1	
			1		· .		_		- -	1	
Chain of	Custody Record]		 If Shipped		livere	1	Picked U	<u></u>
Relinquishe		Received By		Date	Time	Carrier	Dat				me
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Relinquishe	ed By	Received By				Carrier					
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Relinquishe	ed By	Received By				Carrier					
[] Sealed	☐ Shipped	Sealed									

(Use Reverse Side for Notes and Remarks)

Francia Brillhardt

EPA & 05HA coming to Rose Monday

3 boys came in sesterday, claimed dumping PCB ail into dirt & gravel & læbeling dirt & gravel . Paper cores in south building, both are leaking.

Dirt & gravel from peoperty. Oil suping to top of where dirt removed from.

False room is suping oil.

One man fired for not changing labels
Waste Tech coming in Tuesday to view plant.

Dirt & grand placed in 4'x4' bolls to be luvied.

TELEPHONE CONVERSATION RECORD

DATE OF CALL: 7-2-85	TIME OF CALL:
PERSON ASKED FOR: Tomy Pitruska	PERSON CALLING: Francia Brillhart
OFFICE AND/OR PHONE: (916) 732-6776	MAYOR OF HOLDEN, MO
SUBJECT: ROSE CHEMICAL CO.	
DISCUSSION: Mr Brillhart valled to	morn us of complaints he
received regarding Rose Chem Co	He stated that a terreform
fell over today and broke an en	
also stated that the plant mana	ger (Pat Persin) broke the
jour of an employee (or employees	relative) in a fight outside
of the plant. Pat Perrin also has	Two non-registered aures
in the plant. A fake wall ha	a been hist in the
plant behind which oil soaked	paper is stored. A tim
wall has been constructed in	front of it to make it
look tike an outside wall. The	
prom a door ou	
Mr Brillhart asked if he	could be on a mailing
list to receive complainte fill	Dogainet Rose. Tealler
hist To receive complainte fill	requiet to be on a mailing
list to Morris Kay, or we as they are is aired or he come	could and him complaint
as they are issued or he com	ld call each time and
DID III A A A TAGG	
I informed Mr Brillhart as	r inspection of PCB
I informed Mr Brillhart as Diskoral Systems in Kingomic but I have no further in	the has buen kerformed
but I have no further in	Cormation on it.
· — — — — ·	

TELEPHONE CONVERSATION RECORD

DATE OF CALL: 5-9-85	TIME OF CALL:
PERSON ASKED FOR: MR. BRILL HART	PERSON CALLING: Tomy Petrucka
OFFICE AND/OR PHONE: HOLDING, MO M	AVOR (811.) 732-6770
SUBJECT: RUSE CHEMICAL CO.	·
DISCUSSION: Mr Brillhart and covered	about Row Chinical installing an
manerator on site the state Race Cher	
610-650 siar They here people from	unamplorement agencies ste. 12 Brillio
explained he has been trying to in away I	
ignoring confidents at out Rose Chin House	
from Now employed and he has become and	• • • • • • • • • • • • • • • • • • • •
Walt Carolan called a meeting of the Ti. Dutt.	
donated a BECFradio to the tin Papt & about	
against the sometry sive about \$2-3.	
West de state that Rose well min condicion	
(who were not allowed on site until now). Walt	
allowed on site to jight fire he will a	
Nin Prillshart has contacted server	
willing to- discuss practices in revolate	
of the violations activities include during	
ABOW indies ingines charging las	hit ondum to allow for more
strage time. The simployees wire is	here of losing this fale so
want to meet comend clased done	Mr Kalleart states stery
is a NATE boombe Ros in defucin	7 /
grand tanks on site in receite	in of the ordinancia.
Ma Prillhart is trum to	
Suilding of incincator in Holde	·/

Francis Brillhardt

I people overheard that Rose has large transformers and are cutting tops off with a cutting torch. One man has done to cutting. Inside building Very large transformers A whole file of transformers" Don't know if done in processing area Have been cutting tope of for 2 wake Transformers filled with oil

Burning PCBs at night, restourants in area are becoming uppet

sched what they do with transferness after Top out off and what area of building this is being done?

Turnover through unionployment 610-650 pear

wants industry in Holden, but last year employees have brought to him improper activities

nott Carolan called afficial meeting with FireDept, ampulance, Police & mayor. Donated \$500 radio to Fire Dept.

No city people are allowed in will set up tours of facility will not let Free De in . Caeolan says coast guard will

fight fires

Carolan says will spend 2-3 millions, wants the city to livy heavy taxes. Mayor suspected

a problem. Money spent on incinicator. Wante to pass ordinance to stop incinerator.

90% of hueinesemen don't want incinerator. Employees There now will talk to EPA food doors regarding-label change on out dated material

No dumping offsites - dumped into city servers water dept. Takes sample not analyzed for PCB daily

NATO Bombo on cite trying to defice

no fermits to have tanks above ground. City ordinances require tanks below ground.

Sur system in Holden & creeks

richard Vormas WACM

No pretreatment program in Holder. itall a city would regulate PCB ducherge state eags no PCBs in sever systems

Grant - stepson for stop 1

Trickling Filter # treatment egotem

K.C. Agional of MDNR Roma Jenkine
353-5001 Jin McConthy
Cal Cutofesth

MPDES - Central office "Fresh Dolan

Provint # (314) 751-324 | Nichard Zaux Chief

MD 0102997

Bob Henches, Chief

MPDES Persont - Frank Dolan

Form D - PCB 1242 < 2 PPM PCB 1260 < 2 PPM

17 1 Inichlar Longine 2 20pm

Mrs. rollenbarger - complaint

lach May 9,5

Storm water from 103 K gallon tank Tributary into Pin Oak Creek (East Branch)

water sample 2-6-85 no RB detected only bathroom water to storm sewers

到一次的人们就是我们的人们是是我们的一点,但<u>是我就是我们的重要是这些</u>人的对象,我们也是我们的人们的人们的人们的一个人们的人们的人们们们们们们们们们们们们们们们

Apr 4/3 I arranged will Jin Corolya to how cooking Records Frontolon copied & bright to the MC office gar Rikey on 4/7. I did not try to rickep until 4/9 duasteld then that the mattered would not be writed 4/10, at 3:00 pa.

At 300 prion 4/10 I picked up 4 peckegn of records. Upon review of them records I determined that the "Moster log" was not included. Ap Aprox. mats 4:00pm, I called Jim & carled for intere (he records where. He said he was not clear what I would de had not copied yet. I speced he drive to Holber Am on 4/11 to show what Resold I needed. He said he would call me the more into I needed. He said he would call me the more ning of 4/11 about the records I agreed.

At 7:45 on 4/11 John called & spidthe records would be available at 4:00 on Holden of he could bring then in on Monday, I said I would pick tremay).

> KBM 4/11/19

RESUME

PHILIP E. BADAME

EDUCATION

B.S. Physics - Niagara University 1963
Business Management - University of Alaska 1966
Civil Engineering - US Army Engineers School 1967

EXPERIENCE

- 1984 to Present President: Environmental Technology, Inc.: founder of ETI; responsible for overall direction and supervision of the company.
- 1981 to May 1985 Executive Vice President: Envirosure Management Corporation: responsible marketing and field operations on a nation wide basis; directed efforts of environmental consultants; prepared government bids and secured 4.3 million in government contracts in 1984; provided training and techadvice and assistance to field personnel, formulated and established new corporate policies and procedures; provided all engineering support and assistance at corporate level; was responsible for hazardous waste activities and site restoration techniques.
- 1972 to 1981 President and CEO; PEB Land Developments, Inc.: responsible for the coordination and direction of this very diversified corporation; the operating divisions included Realty World, a residential real essales company; Florida Properties, a New York based commercial and residential real estate marketing concern representing the Deltona Corporation and the Lehigh Corporation, both of Florida; Nashville Enterprises, a restaurant and motel complex; and a commercial construction company which operated under the name of the parent corporation.
- 1970 to 1972 Vice President: Bullock, Badame and
 Kirisitz, Inc.: responsible for the management of the mortgage department employee training, corporate policy, marketing and advertising; organized the first successful real estate franchise operation in Western New York.

1968 - 1970

Product Development Engineer: Litton
Industries (Hewitt Rubber Div.): responsibilities included the development of industrial hose products, market definition and development, preparation of technical bulletins and sales brochures, instruction at seminars and corporate schools, technical liaison with field sales force.

to the production of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of

Manager, Contracts Administration: responsibilities included the preparation and submission of proposals for both civilian and government procurement, administration of awarded contracts, development and adaptation of product specifications, coordination and liaison between the technical department, production department, quality assurance department and the procuring corporation or government agency.

1964 to 1968

- Captain: US Army Corps of Engineers:

Deputy Post Engineer: Fort Wainwright, Alaska: responsible for all phases of vertical and horizontal construction, facilities maintenance, property management (1500 residential units), procurement, fire protection and fire prevention, directly supervised a skilled labor force of 150 personnel.

Assistant Division Engineer: Americal Division, Republic of South Viet Nam: responsible for coordination of engineer activities in I Corps area of operations.

Company Commander: D Company, 39th Combat Engineers, constructed 70 Km of improved roads through the Que Son Valley during the 1968 TET offensive, constructed four timber bridges, two schools, a church, and a community center; responsible for the construction of numerous fortifications and housing structures.

SUMMARY

Civil and environmental engineering experience with emphasis on management and a diversified background in the following:

والمراوي والمعادية المعاشفات والمتابع

- 1. Residential and commercial construction
- 2. Bridge and road construction
- 3. Drainage and excavation
- 4. Site preparation and surveying
- 5. Marketing and corporate management
- 6. Capitalization and financing
- 7. Real estate development
- 8. Government contract administration
- 9. Environmental impact surveys
- 10. Industrial waste treatment
- 11. Hazardous waste disposal
- 12. PCB disposal and detoxification
- 13. Environmental restoration techniques

RESUME

The second of the season of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of th

STEVEN R. KAY

EDUCATION

A.S. Business Management - Potsdam State University of NY 1969 Hotel Management School - Miami Beach, FL

EXPERIENCE

		Mil Daniel State Co. And Co. Co. Co.
1985 - Present	-	Vice President, Special Services: Environ-
		mental Technology, Inc.: responsible for
		all Field Operations nationwide.
1984 - 1985	-	Regional Manager for Project Development:
		Chemical Waste Management, ENRAC Division:
		responsible for all sales efforts regarding
		Field Services in the Northern Region.
1983 - 1984	-	National Sales Manager: SCA Chemical
		Services - Special Services Division:
		responsible for all sales efforts involving
		Field Services.
1982 - 1984	_	Senior Technical Sales Representative: SCA
		Chemical Services, Inc.: responsible for
		sales of Waste Disposal Services in Central
		and Northern New York, Eastern Ontario, and
		Quebec, Canada; responsible for sales of
	•	Project Development for entire Northeast
		Region.
1981 - 1982	_	Technical Sales Representative: SCA
		Chemical Services, Inc.: responsible for
		sales of Waste Disposal Services in Central
		and Northern New York, Eastern Ontario and
		Quebec, Canada.
1980 - 1981	-	President: Kay Pollution Services, Inc.:
1,00 1,01		responsible for entire corporation
		activities.
1975 - 1979	•	Vice President, Sales & Marketing: Sealand
		Restoration Inc.: responsible for oil spill
		cleanup, marine salvage, hazardous waste
		management and hazardous site remediation.

STEVEN R. KAY

MAJOR PROJECT INVOLVEMENT

1975 - 1979 - SEALAND RESTORATION

PATCHOQUE OIL SPILL, GOWANUS CANAL, 4,000,000 GAL #6 OIL SPILL. CLEANUP COST \$4,000,000.

POSITION - PROJECT MANAGER

The second of the second of the second of the second

WELLEN OIL SPILL, JERSEY CITY, NJ, 5,000,000 GAL #6 OIL SPILL. CLEANUP COST \$9,000,000.

POSITION - PROJECT MANAGER

NEPCO 140 OIL SPILL, ST. LAWRENCE RIVER, 1,000,000 GAL #6 OIL SPILL. CLEANUP COST \$13,000,000. POSITION - GENERAL MANAGER, PRIME CONTRACTOR

P.A.S. CHEMICAL SPILL, PLANT CLOSURE, OSWEGO, NY, 1,400,000 GAL LAGOON CLOSURE, PCB & MISCELLANEOUS CHEMICALS. CLEANUP COST \$3,000,000.

POSITION - VICE PRESIDENT OF OPERATIONS

ETHEL H OIL SPILL, BEAR MOUNTAIN, NY, 2,000,000 GAL #6 OIL SPILL. CLEANUP COST \$5,000,000.

POSITION - VICE PRESIDENT OF OPERATIONS

JOHNSTOWN FLOOD CLEANUP, JOHNSTOWN, NJ, HAZARDOUS CHEMICAL, HEALTH HAZARDS REMOVAL. CLEANUP COST \$20,000,000.

POSITION - VICE PRESIDENT OPERATIONS, PROJECT MANAGER

ARGO MERCHANT OIL SPILL, NANTUCKET ISLAND, 100,000,000 GAL #CRUDE OIL SPILL. CLEANUP COST \$15,000,000.
POSITION - VICE PRESIDENT OF OPERATIONS

ALLIED BARGE SINKING, REEDVILLE, VA., 1,000,000 GAL #6 OIL SPILL. CLEANUP COST \$5,000,000.

POSITION - VICE PRESIDENT OPERATIONS, PROJECT MANAGER

GLOBAL HOPE SINKING AND OIL SPILL, SALEM, MA., 2,000,000 GAL. OIL SPILL. CLEANUP COST \$6,000,000.

POSITION - VICE PRESIDENT OF OPERATIONS

1980 - 1981 KAY POLLUTION SERVICES

ETHEL H SPILL, PERTH AMBOY, NJ, 1,000,000 GAL. OIL SPILL. CLEANUP COST \$3,000,000.

POSITION - PRESIDENT, GENERAL MANAGER, PROJECT MANAGER

EXXON OIL SPILL, BAYONNE, NJ, 500,000 GAL. OIL SPILL. CLEANUP COST \$2,000,000.

POSITION - PRESIDENT, GENERAL MANAGER, PROJECT MANAGER

MONARCH CHEMICAL CLOSURE, PHILADELPHIA, PA, BENZALDEHYDE PLANT CLOSURE. CLEANUP COST \$1,000,000.

POSITION - PRESIDENT, GENERAL MANAGER, PROJECT MANAGER

OIL TANK FARM CLOSURE, DETROIT, MI, TANK CLEANING. CLEANUP COST \$500,000.
POSITION - PRESIDENT, GENERAL MANAGER

1981 - 1984 SCA CHEMICAL SERVICES

BROADHEAD CREEK CLEANUP, STROUDSBURG, PA, CRESOL REMOVAL. CLEANUP COST \$2,000,000.

POSITION - TECHNICAL SALES REPRESENTATIVE/PROJECT MANAGER

GENERAL ELECTRIC PLANT CLOSURE, HORNELL, NY, PLANT DECONTAMINATION. CLEANUP COST \$500,000.

POSITION TECHNICAL SALES MANAGER/PROJECT MANAGER

BENDIX BURN PIT REMOVAL, SIDNEY, NY, PCB EXCAVATION.

CLEANUP COST \$1,000,000.

POSITION - SENIOR TECHNICAL SALES REPRESENTATIVE/PROJECT MANAGER

GENERAL ELECTRIC PLANT DECONTAMINATION, SOUTHINGTON, CT., PLANT DECONTAMINATION - PCB REMOVAL. CLEANUP COST \$500,000.

POSITION - SENIOR TECHNICAL SALES REPRESENTATIVE/PROJECT MANAGER

GENERAL MOTORS PCB REMOVAL, SYRACUSE, NY, PCB DECONTAMINATION. CLEANUP COST \$8,000,000.

POSITION - SENIOR TECHNICAL SALES REPRESENTATIVE/PROJECT MANAGER

MOBIL COAL TAR PIT REMOVAL, CHICAGO, IL, LAGOON CLOSURE - CRESOLS. CLEANUP COST \$6,000,000.

POSITION - NATIONAL SALES MANAGER. SPECIAL SERVICES

1984 - 1985 CHEMICAL WASTE MANAGEMENT

IBM POUGHKEEPSIE, NY, ORGANIC CONTAMINATION EXCAVATION. COST \$3,000,000.

POSITION - REGIONAL MANAGER. PROJECT DEVELOPMENT

CORNING GLASS, HORSEHEADS, NY, PCB EXCAVATION. COST \$6,000,000.

POSITION - REGIONAL MANAGER, PROJECT DEVELOPMENT

WITCO CHEMICAL, PERTH AMBOY, NJ, PCB REMOVAL. COST \$1,000,000. POSITION - REGIONAL MANAGER, PROJECT DEVELOPMENT

POTOMAC ELECTRIC & POWER, BELTSVILLE, MD, PCB REMOVAL AND EXCAVATION. COST \$6,000,000.

POSITION - REGIONAL MANAGER - PROJECT DEVELOPMENT

RESUME

KENNETH J. KULINOWSKI

EDUCATION

Erie County Technical Institute, Williamsville, NY, 1962 A.A.S. - Business Finance and Marketing

MILITARY

Veteran - U.S. Marine Corps. 1957-1960.

EXPERIENCE

- 1985 Present <u>Vice President, Sales</u>: Environmental Technology, Inc.: responsible for all sales and special project coordination.
- 1978 1985 District Sales Manager Northeast: SCA
 Chemical Service, Inc.: responsible for managing all sales effort in Northeast USA relating to hazardous waste disposal.
 Responsible for \$26,000,000 revenue budget.

Facility Sales Manager - Model City, NY.: responsible for managing sales effort in hazardous waste disposal activity for this major facility. Responsible for \$16,000,000 revenue budget.

- Sr. Technical Sales Representative Model City, NY.: managed sales territories encompassing western PA and most of NY. Major account activity and project revenues exceeded \$5,000,000 annually.
- 1977 1978 Technical Sales Representative: Dubois Chemical, Cincinnati, Ohio: responsible for sales, service, and maintenance of territory involving specialty chemicals and solvents.
- 1973 1977 Technical Sales Representative: National Chemsearch, Irving, TX.: responsible for Buffalo, NY territory. Sales, service, maintenance, and development of Buffalo market.
- 1967 1973 <u>District Sales Manager:</u> Wine Merchants
 Ltd., Buffalo, NY: held positions of area
 Sales Manager, Operations Manager, and
 licensed Sales Representative during six
 year tenure.

1964 - 1967 - Corporate Manager: Courtesy Finance Corp., Reseda, CA: responsible for loans and operations; secretary and director of corporation.

1962 - 1964 - Manager: Household Finance Corp.
Northridge, CA.: responsible for loans and operations.

Resume

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DONALD R. SEYMOUR

EDUCATION

B.A. Geography-Environmental Studies - State University of New York at Geneseo.

EXPERIENCE

1985 - Present	Environmental Consultant: Environmental Technology, Inc.: responsible for project design, bidding, and coordination assisting client with a complete turn-key approach to any environmental problem. Extensive interfacing with clients and field operations, personnel insuring constant communication on projects to coordinate the successful completion of projects.
1983 - 1985	Manager: Rochester Drilling Co., Inc.: coordinated

1983 - 1985	Manager: Rochester Drilling Co., Inc.: coordinated total turnkey operations for surface and subsurface investigations and cleanups. Worked closely with clients and regulatory agencies to implement new cost reducing and environmentally sound cleanup methods on projects. Performed cleanup work throughout New York State.
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1982 - 1983

Field Supervisor: New England Pollution Control Co.: responsible for the supervision and coordination of work crews on emergency and remedial surface and subsurface spills. Performed manifesting and scheduling of equipment and transportation on many projects throughout New York State.

高官と関連していた。 おいんいこうちんいいきつか

SUSAN C. ELIAH

EDUCATION

Business Major - Nizgara County Community College 1981 A.A.S. Nedical Laboratory Technology - Eric Community College 1977

CERTIFICATION

Certified Medical Laboratory Technician by the American Society of Clinical Pathologists.

EXPERIENCE

1985 - Present

- Manager, Technical Services: Environmental Technology, Inc.: responsible for overall guidance of regulatory compliance as it relates to customers and in house personnel. Manage off-site personnel and supervise work performed. Other responsibilities include supervision of Environmental Technology, Inc. and subcontracted laboratory services, approval process for various wastes for disposal, and contributing to the preparation of major proposals and/or sales.

1978 - 1985

- Technical Representative: Chemical Waste Management, Inc.: responsible for sales throughout Western New York and Central Pennsylvania, with all types of private industry with toxic or nuclear waste needing processing and disposal. Covered Eastern New York State and Montreal, Canada. Responsible for preparing major quotations and personally handled the largest account in the Northeast Sales District.

Sales Traince.

Worked with other sales representatives, gaining exposure to customer on a one-to-one basis. Conducted all site audits (inspections) made by present and potential customers. Had primary responsibility for training new sales representative in the waste acceptance process, and environmental compliance laws and regulations. Had additional responsibilities for Inside Sales, writing sales and marketing reports, and setting up guidelines currently in use for customer information packages and methodology.

Technical Sales Coordinator.

Provided inside sales support to six sales representatives and over 30% customers. Was the focal point of any on-site information; coordinated calls and customer requests; and completed all appropriate paper work. Acted as liaison between lab, sales, customers, chemical waste environmental groups, engineers, and plant personnel.

Quality Control Technician.

Started in the laboratory as 1 of 6 quality control people involved in reviewing the waste add-up, reviewing analysis of sample testing, PCB analytical testing, and environmental testing of the 850 acre site.

RESUME

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GERALD BARYZA

EXPERIENCE

1985 to Present

Operations Manager: Environmental Technology, Inc.: responsible for everyday coordination of Field Crews involving scheduling, arrangements for supplies, trucking, and specialized equipment which each job requires. Interfaces with clients, regulatory personnel, and disposal facilities to insure smooth and efficient completion of every job.

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1983 - 1985

Crew Chief: Envirosure Management Corp.: responsible for all on-site activities involving the removal of hazardous wastes (solids and liquids). Extensive experience throughout the United States manifesting, scheduling transportation and specialized equipment (ie. cranes, lift trucks, etc.) as well as interfacing with client and regulatory personnel to satisfactorily complete work. Experience includes work for NYS E&G, Westvaco, Globe-Albany and the US Government.

1977 - 1985

Millwright: Ferro Corporation: extensive experience in Hydraulics, plumbing, structural work, fabrication, burning, welding, elevator repair, industrial conveyor repair, pump repair, hyster repair and preventative maintenance. Often performed all required maintenance on second and third shifts.

1971 - 1977

Millwright: Ramco Steel Corporation: responsible for general maintenance, mechanical repair, carpentry, concrete, roll changing and overhead crane maintenance, including cable changes, rail and bearing changes.

DICATION

B.S. Mechanical Engineering - University of California at Los Angeles White Lung Association - School on Asbestos Abatement UCIA Extension School Certificate for Government Contracts Administration

DOPPUBLE

1/86 - Present

Sr. Project Engineer: Environmental Technology, Inc.

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1984 - 1985

Project Manager: Self-employed:
Consulted with it IT Corp. in establishing chemical remediation activities in NJ, NY and Connecticut.
Oversaw major projects in area including, bid preparation, customer follow-up, contract negotiations, site management. Projects included, but not limited to, filter press processing, mobile centrifuge dewatering, tank (underground) cleaning and removal.
PCB lagoon cleaning and closures, PCB decontamination, asbestos abatement.

Consulted with Kramer Chemical in area of project management, providing on-site direction on metal hydroxide lagoon closure, tank cleaning, tank removal.

Consulted with B & P Environmental on Rirker Chemical Inc. fire clean up, which included hazardous waste collection and control. Removed all waste with permitted transporters and approved disposal sites. Directed all phases of the operation. Accomplished asbestos abatement program after receiving permit from State of New Jersey for American Roechst, Witco Chemical, Stahl and PQ Corp.

1973 - 1984

V.P., General Manager of Special Services Group: SCA Chemical Services, Inc., Lyndhurst, NJ: responsible for Chemical Group revenues and profits associated with Special Service activity. Responsibilities involve planning, development and administration associated with the off-site remedial restoration. This group is presently actively engaged in major cleanups of lagoons, abandoned waste sites, PCB transformer decommissioning and exhuration of contaminated soil as well as buried hazardous waste barrels throughout the Midwest, New England and Mid-Atlantic Regions. This position also entailed complete operational responsibilities as well as high percentage of time committed to Corporate selling efforts.

sibility covered the revenues and profitability of the Newark, Braintree and Model City facilities. Responsibilities also included planning and performance of all operating functions and included sales, financial control, administration, customer service, capital equipment authorization, maintenance of all site equipment and employee relations.

V.P., Director of Operations: responsible for all profit and loss for the entire Chemical operation group. This position required administrative efforts associated with all business functions.

V.P., General Manager, Newark Facility: responsible for planning, directing, managing all operating functions of the Newark hazardous waste treatment facility. These administrative responsibilities included sales, marketing, finance, customer service, scheduling and employee relations.

Manager, Chemical Cleaning & Spill Division: responsibility included profit and loss, technical engineering and assistance on all spills, chemical cleaning, high pressure water jetting, boiler acidizing, etc. Responsible for all bids, proposals, financial controls and employee relations.

PROFESSIONAL AFFILIATIONS:

Member of American Management Association Spill Control Association of America American Chemical Society

RESUME OF RONALD J. PROHASKA

WORK EXPERIENCE

1986 to Present

Environmental Technology, Inc.

Manager of Operations, responsible for pricing of projects, coordinating the scheduling of personnel, equipment, transportation and disposal.

March 1984 to 1986

CECOS Environmental, Inc. Project Manager

Responsible for Buffalo, New York and Chicago, Illinois district office and field operations to include administration, accounting, project set up, safety, sales, contracts, proposal writing, warehouse operations, immediate supervisor to five (5) project supervisors and seventeen (17) field chemical technicians.

May 1980 to February 1984

CECOS International, Inc.

Special Environmental Services Division

Project Supervisor

Supervisor Emergency Response Team - responsible for implementation of emergency response capability for company. Designed response unit, ordering equipment, training of personnel in use of specialized equipment and response techniques, public relations and marketing of capabilities to service industry and other emergency agencies.

Project Supervisor - responsible for on site project operations, supervision of personnel, site safety, insured company compliance with governmental regulatory agencies, project finance, equipment operation and maintenance.

May 1977 to May 1980

U.S. Army Honorable Discharge 1980 Rank SP. 4

Chemical Operations Specialist/Explosive Ordinance Disposal Johnston Atoll, Rocky Mountain Arsenal, Edgewood Arsenal. Member of elite unit responsible for escort, maintenance, disposal, laboratory analysis, renovations and emergency response of toxic chemicals and ordinance.

January 1975 to May 1977

Stroehman Bakery
Route delivery/salesman

Delivery of baked goods to private and chain food outlets.

EDUCATION

1975	North Tonawanda Senior High School - graduate
1977	U.S. Army Aberdeen, MD Chemical and Explosive Ordinance School
	Graduated 2nd in class of 35
1980	Oil and Hazardous Materials Response School, Texas A&M
1981	J.T. Baker Seminar
1984	Situational Leadership Course

STIDUIS POST-DISPATED

PCB Firm's 3rd Bid Protested

By Marjatha Mandel Of the Post-Corporal Staff

SIGHS PROTESTING a proposed PCD-processthe stool have persuted this soring in this quiet forming community much like the say

The town of 1,000 about 190 miles Louis in control Missouri has become the state's ; lotest becardens would believe and At toma in a latest beautious waste bettleground. At tesse is a new growth tedestry in Missouri: facilities to store, process and destroy tests polychloriasted bi 76, or PCBs.

brite transfermers may weigh up to 60 less and co up to 0.000 gallous of PCP-contembered oil, disposi-tions has become a big business.

US Ecology Inc. brought a 60-acre total a fort;

of Tiples after eying unancountily to set up a PCD-resing plant to B. Louis and to California, Mo. Trans-ary would be trucked to the plant, fraction and

"it's a very emotional issue. Most people seem to have a 'notin-my-back yard' syndrome."

for PCB storage, transfer and proce

LEO ALDERSAN, on efficient of the U.S. Bovier tal Protection Agency, said the agency gole three or four applications a year for persons to belief such facilities to

PCBs were commonly used as institutors and contents in transformers and other electrical equipment mail their manufacture was banded by the federal government in 1979. They couse cancer to animals.

Alderman said there are eight brokers in Missouri that the in PCB-contaminated transformers, exacelleds hem and send them to other facilities for processing or disposal. Seven firms operate ambite FCP-scientification units to Misseuri, he said.

Three companies in the Kanges City area process PCB-sensestanted equipment. And a broker in Kingsville, in Wastern Missourt, wasts to chemically treat Pull-taleist . all and to salvage transformers.

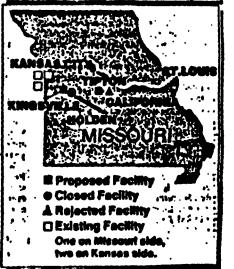
US Ecology, which is based to Laurville, life, and Rose Chemical Co. of House City have been accepting tiles for pleats to process or desirey PChe.

INDUSTRY OFFICIALS my PCIL can be heridful and

disposed of salety, SMI, problems can occur.

Rese Chemical stopped occuping PCius at its plant in Helden, about 25 miles southeast of Kannas City, last February after the EPA threatened tuke to revoke its permit. Aldermon said the campany and falled to comply with a constal agreement stemming from administrative commission to 1984 and 1983. The cumpany has pold

PCB Handling Or Processing Facilities



\$30,000 in finer; an additional \$40,000 has been asserted.

Rose Chemical had "very poor housekeeping practices," Aiderman said. PCBs were stored for longer than the one-year limit and were stored in open and improper containers, he said. He also cited a lack of proper safety equipment and poor record-keeping.

City officials in Holden and the chemical company are embroiled in Suits and countersuits against each other.

So far, four small towns in Kansas have turned down a proposal by Rose Chemical and Waste-Tech Services to build an incinerator to burn PCBs. Dwight E. Thomas, director of research and development for Rose Chemical, said the companies were looking at a fifth town, Burlington, Kan.

"It's a very emotional lasue," he said. "Most people seem to have a 'not-is-my-back yard' syndrome."

US ECOLOGY courted two other towns as the site for its PCR-handling plant before coming to Tipton.

The company originally wanted to use a warehouse at 3732 North Broadway in St. Louis. But Streets Director James W. Suelmann rejected the proposal last Nevember, saying the site should be located in a more isolated area.

Public Safety Director Thomas A. Villa and Pire Chief Neil F. Svetanics had opposed the proposal. In a letter to Villa, Svetanics said: "This type of operation would require the delivery of contaminated transformers from all over the country along our city streets and highways, where they would be subjected daily to the possibility of accidents."

Such an accident, Svetatics werned, "could rupture the containers and result in the hazardous waste

contaminating the road surfaces and eventually migrating into the sewer system."

Svetanics also expressed concern about the spread of PCBs and other toxic chemicals if a fire broke out at the warehouse.

US ECOLOGY then made overtures in California, a town of 3,500 about 25 miles west of Jetterson City. But many residents and local officials were wary of the proposal, and the town's largest employer, a Cargili poultry plant, threatened to leave. So US Ecology took its proposal 13 miles down the road to Tiplon, buying a tract of farmland east of town.

Acrom the road, Howard and Mary Lou Paimer have placed signs of their own along their white picket tence — protest signs. During a recent visit, Howard Paimer was painting another in his garage. It read: "Zoning Yes, Toxic Waste No."

The Palmers, who are retired, said they are concerned that the plant would harm property values and their drinking water.

"We don't know whal's going on,"
Howard Paimer said. "They still
haven't come across the street to
meet us."

David A. Listiak, Midwest regional manager of US Ecology, said the plant would have 20 employees and an annual payroll of more than \$500,000.

LISTIAN SAID that about four truckloads of transformers would arrive at the plant each week. The transformers would be drained, flushed and shipped by rail to a company-ewned disposal site in Bently, Nev. About 4,000 gallons of tainted ell would be hauled by tank truck to an incinerator about every three weeks.

Listiak said that beginning next year US Ecology also plans to dispatch from Tipton the company's fleet of radioactive waste-hauting trucks. The trucks are now disputched from Beatty and Richland, Wash, where nuclear waste disposal ailes are situated.

Although US Ecology has handled PCBs at its Beatty site for only sive years, the company has a long and spotty track record with other harardous chemical and radioactive waste.

George R. Kolbenschiag, a spokesman for US Ecology, said the compaay has paid \$16,000 in fines for violations at the Beatty site, which handles both types of waste.

An investigation by the Nuclear Regulatory Commission and the Federal Bureau of Investigation in 1978 found that for almost 13 years, "large quastities of radioactive materials seat to the site for burial were diverted....for private use."

EMPLOYEES TOLD the NRC they took home, gave away or said such low-level radioactive materials as redium-dial clocks, pipes, electric motors, inhoratory equipment and metal coatainers and plywood used to package the waste. The NRC found radioactive waste at 47 homes, ranches and husinesses in the Bently area. About 20 to 25 pickup truck loads were required to hout the waste back to the site.

Kelbeasching said radioactive waste and hazardous chemical waste was leaking from closed landfills the company owned in Sheffield, Ili., but he contended that it was not a public health threat. The radioactive waste landfill to the object of a \$97 mittium lawsuit filed by the state of illinois and the NRC.

US Ecology also sweed a troubled radioactive waste site at Maxey Flats, Ky., that was closed in 1977. The state has had to spend \$400,000 to \$1 million a year to deal with what Kolbensching says are "continuing



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Heil F. Svetanica Concerned about accidents

problems" there.

Kolbensching sald there was "considerable difference" between a landfill and a PCB-processing facility. And he said the company has had "an excellent operating record" overall.

THE PROPOSED PCB-processing plant has few vocal supporters. Pre-siding County Commissioner J. George Albin opposes the plant but has not taken a stand on soning. He noted that soning may not stop the company.

Opponents of sening contend that it would stille development. Van Adams, a lawyer and president of the California Chamber of Commerce, sold he was against busing but "not exactly for" the piant.

"I don't think spaint will necessarily get rid of the plant because it is already there," he said. "Besides, Monitesu County has to learn to put up with some of the disadvantages of modern life."

Some information for this story was provided by Este Johnson, a special correspondent of the Post-Dispatch.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

MAY 3 0 1986

MEMORANDUM

SUBJECT: Martha C. Rose Chemicals, Inc., et al.,

CERCLA 106 Administrative Order

FROM: Decet Pemberton

Assistant Regional Counsel

JUN 2 1986

TO:

Craig Smith Chief, RCOM

TOXICS & PEJTICIDES

BRANCH

Leo Alderman Chief, TOPE

In response to the Administrative Order issued by EPA pursuant to Section 106 of CERCLA, Respondents, Martha C. Rose Chemicals/Walter Carolan have requested a meeting on Tuesday, June 3, 1986 in our offices to discuss the terms of the Order. Also attending the meeting will be John Papsidero, Attorney for ETI and Dan Buckavic, Attorney for Lear Siegler. I agreed to extend the response time specified in paragraph 9 of the Order to a time after the Tuesday meeting based upon Respondent's assurances that necessary spill clean-up activities would continue and that Rose Chemicals/Walter Carolan would provide, as of 8:00 a.m. Thursday, May 29, twenty-four hour security at the Holden facility until the security fence is erected. Jim Anderson, Attorney for Rose Chemicals, indicated that Lear Siegler may be willing to provide a portion of the security measures required by the terms of the Order (fencing and guard service).

I believe the Agency should be prepared to discuss the following issues with the Respondents at the June 3rd meeting.

(1) The May 12-16 PCB Spill. The specific measures taken by the Respondents with respect to spill cleanup activities, including extent of clean-up, storage/disposal of materials excavated, the extent of clean-up verification sampling and results of analyses, and what has been done with the tanker truck(s).

- (2) Restriction of Access and Site Security. The quality of the twenty-four hour security being provided. What EPA expects as an adequate security fence will have to be resolved. I have informed a representative of American Steel that, a six-foot chain link fence with barbed wire at the top would probably be acceptable. Anything less than a six-foot fence, the Respondents would have to provide justification (which I believe they intend to do). The extent of the warning and notification systems and posting of the site will have to be addressed.
- Inventory and Disposal Plan. ETI has stated that such a plan has already been submitted. The Agency should be ready at the meeting, to discuss the defi-ciencies of that plan. One of the basic problems with ETI's proposal is that it is based on the assumption that all the generators, or at least a significant portion of the generators, will contribute sufficient funds for the implementation of an inventory/disposal plan. A representative of the group of generators who have formed a committee to address the problems at the Holden facility has indicated to me that this group of generators has not committed to the ETI plan and are less than enthusiastic about doing so at this time. The Agency must be prepared to demand assurances from the Respondents that inventory and proper disposal will be completed regardless of whether or not additional funding is obtained from the generators.

We should be prepared to identify any additional sampling and analyses or investigative work that will be required to determine extent of PCB contamination resulting from past releases of PCBs into the environment.

Assuming Respondents intend to submit an inventory/disposal plan to EPA, it may be useful and time-saving to provide an outline of what will be required in an approved plan. If relevant generic protocols (i.e., health and safety plan or sampling plan) are available, we should probably provide the Respondents with copies.

cc: George Hess - ENSV
Henry Rompage - CNSL
Steve Kinser - SPFD
Ruben McCullers - TOPE

4.b

MEMORANDUM

SUBJECT: Rose Chemicals Capacitor Core Processing

FROM: David A. Wagoner

Air and Waste Management Division

TO: Morris Kay

Regional Administrator

There are several concerns about the Rose Capacitor Processing Procedure that should be addressed prior to approval of the disposal of large quantities of core material, I feel. The attached letter has, nonetheless, been modified as you have specified. I recommend you do not approve the disposal of this large quantity of PCB material. The major concerns are as follows:

- 1. In the January 10, 1984, letter from Rose Chemicals, the batch size is stated to be 4,081 pounds, while in the application the batch size is stated to be 100 pounds. The discrepancy is not explained. If you consider the application to be correct, Rose Chemicals is requesting 800 to 900 batches for R&D purposes. If the application is not correct, we should reevaluate the approval.
- 2. Information submitted as a result of R&D efforts is incomplete. Waste streams and process streams should have been defined and characterized. Rose Chemicals has failed to accomplish this. To illustrate this, consider the following example. Rose Chemicals has specified the "process solution containing water, sodium hydroxide, and sodium aluminate after filtration for particulate matter remains PCB free." However, the detection limit of the analytical method for this stream is not specified and it is doubtful if the method specified in the application is capable of detecting PCBs in a PCB saturated aqueous stream. The statement "PCB free" is thus suspected to be inaccurate.
- 3. The "roller" stream is not characterized. Dryer emissions are not specified. The solvent extraction stream is not characterized. Recovery of aluminum is not defined.
- 4. The reaction of aluminum and caustic results in the liberation of hydrogen gas, an extremely explosive gas when in the presence of oxygen. Large scale processing could result in the generation of large quantities of hydrogen. Safety procedures have not addressed the mechanism or procedures to prevent explosions from the hydrogen gases generated.

Other deficiencies exist in the application; however, I feel the concerns listed above are sufficient to justify denial of the January 10, 1984, Rose Chemicals disposal request. If you would like a detailed report on the evaluation of the process, I will be happy to provide such a report for you. Once again, I recommend this disposal approval not be granted in this large quantity.

ARUM: WIBR: PMTS: SBusch:]mh:x6531:3-16-84:Disk jp 30

PHITS FINTS
Busch Filarrington
Busch 2/16/64

WHBR ARWH Morby Sprat

ARWM ARWM Spratlin Wagoner WASTE REMOVAL. SITE CLEAN UP. AND SITE MANAGEMENT AGREEMENT

AGREEMENT made this 8TH day of May, 1986 by and between MARTHA C. ROSE CHEMICALS, INC., a Missouri corporation with its principal office in Kansas City, Missouri (hereinafter called "Rose Chemicals") and ENVIRONMENTAL TECHNOLOGY, INC., a Delaware corporation, with its principal office in the City of North Tonawanda, New York (hereinafter called "ETI").

WITNESSETH:

WHEREAS, Rose Chemicals leases and operates a waste disposal facility at or near Holden, Missouri; and

WHEREAS, ETI is presently engaged in the hazardous waste management field and provides services to industry for such purposes, such as developing a waste management plan and providing environmental technical assistance; and

WHEREAS, Rose Chemicals is desirous of retaining the services of ETI to manage and accomplish the removal of waste presently contained in its said Holden facility and to provide site clean up work at such Holden facility as required by the EPA and Missouri Department of Natural Resources.

NOW, THEREFORE, in consideration of premises and of the mutual promises herein contained, Rose Chemical and ETI agree as follows:

- 1. Rose Chemicals agrees to allow ETI to manage, supervise, control and accomplish the removal of all hazardous waste from its said Holden facility, and to provide and accomplish site clean up at said Holden facility with the following understandings:
 - a. All such waste shall be removed and sent to an appropriate and lawful disposal facility, i.e., EPA approved secure landfills and/or EPA approved incinerators. Alternate disposal means (treatment facilities) shall not be used.
 - b. Such site clean up shall be performed to the applicable minimum EPA standards or minimum Missouri Department of Natural Resources standards, whichever is more stringent.

- c. Further said use of said Holden facility as a hazardous waste or toxic waste facility shall be thoroughly investigated by ETI, and results of the investigation shall be furnished to Rose Chemicals in writing.
- d. As part of the clean up all equipment on the premises designated by Rose shall be decontaminated to EPA and D.S.H.A. standards and so certified by ETI.
- 2. ETI shall make all management decisions and perform all work, and provide all equipment and materials, regarding:
 - a. Sorting, testing, performing the inventory, and classifying the waste materials prior to loading on transportation vehicles;
 - b. Providing transportation of the waste materials from said Holden facility to such permitted disposal facilities as it may select pursuant to 1a above;
 - c. Providing the necessary labor and supervision to conduct the inventory, testing, classification, sorting, and preparation for loading and loading onto transportation vehicles; and
 - d. ETI will assume the day to day management, operation and maintenance of the said Holden facility and site.
- 3. All labor undertaken or sub contracted shall be under the guidelines established by O.S.H.A.. ETI shall so manage and perform its work under this agreement to comply with all applicable federal, state, and local legal requirements, regulations, and standards (including, without limitation, the provisions of the a NPDES permit attached hereto as "Exhibit A").
- 4. ETI will absorb all of the costs of payment of its personnel as well as utilities, telephone service, insurance and all other costs incurred in performing this agreement. Rose Chemicals shall receive no monetary compensation from ETI under this agreement.
- 5. Rose Chemicals shall provide ETI access to those of its books and records, manifests and invoices necessary for ETI to determine the source from which the waste material was generated. Rose shall provide access to ETI to the site of the said Holden facility to perform the work called for under this Agreement.

- 6. ETI shall have the responsibility, authority and obligation to contact each generator of the waste material in order to negotiate the identification of the waste material belonging to the generator and assisting in its removal to the disposal facility mentioned in la above. ETI understands that while it is being granted an exclusive right by Rose Chemicals to contact each generator, Rose Chemicals does not warrant or guarantee that any generator will use ETI in the removal of said generator's waste material.
- 7. ETI will keep Rose Chamicals informed of all contracts or transactions involving site cleanup or generators. ETI shall on request provide Rose Chemicals a copy of any written documents pertaining to any such contract or transaction during the term of this agreement and for five years thereafter. ETI is aware that an annual report must be prepared for the said Holden facility and that ETI will prepare this document and Rose Chemical will cooperate with ETI and ETI's preparation thereof.
- 8. It is agreed that ETI is an independent contractor and is not in any way to be considered an employee, agent or subcontractor of Rose Chemicals; that it is acting independently from Rose Chemicals and is not subject to any supervision or management from Rose Chemicals.
- This agreement shall take effect immediately. Except as otherwise herein provided, ETI shall commence performance of this Agreement immediately. ETI's performance of the waste removal and site clean-up work provided for in this Agreement shall commence until and unless a consent order is issued by EPA other written permission is given by the EPA Region VII Administrator or by the regional counsel of EPA Region VII.) providing for the waste removal and/or clean-up work required at the said Holden facility. Anything herein to the contrary notwithstanding, this Agreement may be terminated by ETI for any reason or for no reason within 90 days of the date of After the initial 90 days from contract execution execution. this contract may not be cancelled by ETI for any reason. Anything herein to the contrary notwithstanding, this agreement may be terminated by Rose Chemicals for any reason or for no reason upon 120 days advance written notice given at any time by Rose Chemicals to ETI. In the absence of such notification, this agreement shall continue in offect until all the hazardous waste at the said Holden facility is removed by ETI and disposed of hereunder and until the said clean up is completed and certified ETI as complying with the legal standards hereunder. For purposes of any notification required permitted under this Agreement, the following addresses of and Rose Chemicals shall be used:

Environmental Technology, Inc. 84 Sweeney Street North Tonawanda, NY 14120 Rose Chemicals 2459 Charlotte St. Kansas City, MD 64108

IN WITNESS WHEREOF, the parties hereto have signed this Agreement effective on the day and year first above written.

MARTHA C. ROSE CHEMICALS, INC.

Walter C. Carolan

ENVIRONMENTAL TECHNOLOGY, INC.

hilip E. Badame

President

WITNESS:

PCB BROKER AGREEMENT

THIS AGREEMENT is made and entered into this	; 11th day of April . 1	9 <u>86</u> , between
Environmental Techn	ology	•
whose post office box address and office is located at	84 Sweeney St.	
North Tonawanda, NY	14120	•

herein called "Broker" and PCB Disposal Systems, Inc., a Missouri corporation having its principal place of business at Rt #1, Box 159, Kingsville, Missouri 64061, hereinafter called "Disposal Systems".

- 1. Authorized Material. It is understood by Broker that the only PCBs and PCB-contaminated items authorized and accepted for treatment and disposal at Disposal Systems' PCB facility are the following:
 - a. Askarels (PCB fluid)
 - b. PCB-contaminated liquids
 - c. PCB large high and low voltage capacitors
 - d. PCB transformers
 - e. PCB-contaminated transformers
 - f. PCB-contaminated electrical equipment
 - g. PCB-contaminated solid wastes (soil, absorbents, rags, etc.)
- 2. Charges. The transportation, storage, treatment, disposal and other charges which Broker shall pay shall be those set forth in Schedule A of this Agreement.
- 3. Loading. Broker agrees to load the material at the designated location and that such loading will be done by Broker's personnel, and that the truck driver is not required to assist in the loading. Broker agrees that the material to be loaded shall be properly classified, described, packaged, marked and labeled, and that it will be in proper condition for transportation according to the applicable standards and regulations of the Department of Transportation, United States Environmental Protection Agency, and the State of its residence and Disposal Systems agrees that it will conform with said regulations in disposing of said materials and its removal to the disposal site. The Broker agrees that it is its responsibility to comply with any special State or local regulations which the authorities make applicable to handling this material. The Broker agrees that it will advise the truck driver or Disposal Systems' employee of the contents of each drum and will specifically label each container, which contains leaking PCB equipment, with the words "Leaker(s)" or "Leaking PCB Items" or equivalent wording.
- 4. Billing Weight. For the purpose of determining the correct weight, both the Broker and Disposal Systems agree that Disposal Systems, after taking possession of the material, will weigh the material en route or at its PCB facility and that Disposal Systems' weight reading shall be binding and conclusive on both parties. Weight, if pertinent to billing, will be recorded on the billing invoice which is sent to Broker. Any weight appearing on the pertinent "Nazardous Waste" manifest is for purposes of transportation and shall be deemed an estimate; weight on manifests should appear in kilograms as well as pounds.
- 5. Billing Contamination. For the purposes of determining the correct PCB contamination level of any PCB material, both the Broker and Disposal Systems agree that all bulk, drum, or oil contained within transformers will be analyzed by Disposal Systems and Broker and that Disposal Systems' analysis shall be binding and conclusive on both parties. Pertinent gas Chromatograph records will be kept on file and copies forwarded to Broker upon request.
- 6. Billing Volume. For the purposes of determining the correct volume, measured in cubic feet, both the Broker and Disposal Systems agree that the measurement performed by Disposal Systems after receiving the material shall be binding and conclusive on both parties. Copies of measurement recordings

after incur, become responsible for the pay out as a result of death or bodily injury to any person, destruction or damage to any property, contamination of or adverse effects on the environment or any violation of governmental laws, regulations, or orders, caused, in whole or in part, by Broker's breach of any terms or provisions of this Agreement; or any negligent or willful act or ommission of Broker, its employees or subcontractors in the performance of this Agreement; or, the delivery to Disposal Systems from Broker of materials which do not conform to the description thereof in this Agreement.

- 13. Belinquency. If, during the term of this Agreement, either party shall become delinquent in settling its account or shall be in default of any provisions of this Agreement, the other party may suspend its performance hereunder until such delinquency or default has been corrected, provided, however, that no suspension shall be effective unless and until the complaining party has given written notice of default to the other party with at least ten (10) days to cure such default. Delinquent payments will result in loss of discount; see Article 21 of this Agreement.
- .14. Acts of God. Any delay or failure of either party in the performance of its required obligations hereunder shall be excused if and to the extent caused by acts of God, strikes, and/or coercive action of actions, fires, flood, windstorm, explosion, riot, sabotage, court injunction or order, loss of permits and cause or causes beyond the reasonable control of the party affected, provided that a prompt notice of such delay is given by such party to the other and each of the parties hereto shall be diligent in attempting to remove such Cause or causes.
- 15. Cancellation. Either party shall have the right to cancel this Agreement at any time if the other party becomes insolvent, makes an assignment for the benefit of creditors, or has a bankruptcy petition filed by or against it. Under these conditions, either party shall have the right to cancel this Agreement at any time upon giving thirty (30) days notice to the other party.
- 16. Assignments. Neither party shall assign this Agreement or any monies due or to become due to it hereunder, and any attempt to so assign shall be void without prior written consent of both parties except that this Agreement may be assigned to transferees of substantially all assets of either party and except that Disposal Systems may be permitted to assign Broker's invoices for account receivable financing.
- 17. Non-exclusive. Unless otherwise specified and made a part hereof, this Agreement is not to be construed as granting Disposal Systems the exclusive right to haul and/or treat and dispose of Broker's PCB materials. Nor does this Agreement grant Broker the exclusive right to sell broker, or haul PCB materials for Disposal Systems. This contract specifically refers to the material outlined on Schedule A. Broker reserves the right to contract with other parties for such services as it seems necessary.
- 18. Motices. Any notice required to be given by the terms of this Agreement shall be delivered by hand or mailed, postage prepaid to Disposal Systems at the address first given above and to the Broker at the address first given above or to such other address for either party as that party may, by notice, designate.
- 19. Invoice and Payment. Broker shall pay fifty (50) per cent of disposal charges and One Hundred (100) per cent of transportation charges (if applicable) when Disposal Systems takes possession of Broker's PCB material. After delivery of said material to Disposal Systems' PCB facility, Disposal Systems shall prepare an invoice for each manifest load of material picked up at Broker's site or delivered to Disposal Systems by Broker. Forty (40) per cent of the disposal charges will be due within thirty (30) days from date of invoice. The balance, ten (10) per cent of the disposal charges, shall be due within thirty (30) days from date of invoice. The balance, ten (10) per cent of the disposal charges, shall be due within thirty (30) days from the time that Disposal Systems gives Broker written notice that disposal of that load of material is complete. In the event Disposal Systems provides transportation for Broker's material, Broker shall pay all transportation charges when Disposal Systems takes possession of Broker's material and Broker further agrees to pay excess waiting time, cleaning and related charges to Disposal Systems' at rates set forth in Schedule A.

SCHEDULE A

This Schedule A is the supplemental data referenced in Sections 2, 11, 17, and 19 of the attached "PCB Broker Agreement". The following schedule sets forth the material to be transferred from the Broker to Disposal Systems, charges for same, and terms or conditions, if any...

TRANSPORTATION CHARGES: N/A

CHARGES FOR EXCESS WAITING TIME: N/A

LIST AND CHARGES FOR PCB MATERIAL:

Terms: 100% due COD

STANDARD TERMS: See Article 19 of Agreement.

Cost DSI.	of	90	day	burn	after	capacitors	received \$4	.00	per	1b.	gross	weight
Cost DSI.	of	60	day	burn	after	capacitors	received	. 0 0	per	lb.	gross	weight
Cost DSI	of	30	day	burn	after	capacitors	received	.00	per	1b.	gross	weight

Note: Any discrepancy or variation in number, volume or weight will result in the unit price being reassessed. Any variation in PCB level may result in the unit price being re-evaluated. Billing will be based on material actually received.

ACCEPTED FOR BCS DISPOSAL SYSTEMS BY:

SIGNED

MAME: Dennis Nix

MAME: President

DATE: 11 P6

TITLE: President

DATE: 11 P6

Title: President DATE: 11 P6

Title: President DATE: 4 - 14 - 66

This Schedule A should be completed, signed, and attached to the corresponding "PCB Broker Agreement".

SCHEDULE A

This Schedule A is the supplemental data referenced in Sections 2, 11, 17, and 19 of the attached "PCB Broker Agreement". The following schedule sets forth the material to be transferred from the Broker to Disposal Systems, charges for same, and terms or conditions, if any..

TRANSPORTATION CHARGES: N/A

CHARGES FOR EXCESS WAITING TIME: N/A

LIST AND CHARGES FOR PCB MATERIAL:

	_		capacitors	.\$4.00	per	lb.	gross	weight
			capacitors	.\$5.00	per	lb.	gross	weight
			capacitors	.\$6.00	per	16.	gross	we ight

Terms: 100% due COD

Any discrepancy or variation in number, volume or weight will result in the unit price being reassessed. Any variation in PCB level may result in the unit price being re-evaluated.

Billing will be based on material actually received.

ACCEPTED	FOR DES PISPOSAL SYSTEMS BY:	ACCEPTED FOR Environmental Technology SY:
SIGNED	Chrix	SIGNED
NAME:	Dennis Nix	MME: It of Bade
TITLE:_	President DATE: \$\frac{11}{86}\$	TITLE PLES DATE: 4-14-86
This Sch	medule A should be completed, signed, and atto TERMS: See Article 19 of Agreement.	sched to the corresponding "PCB Broker Agreement".

after incur, become responsible for or pay out as a result of death or bodily injury to any person, destruction or damage to any property, contamination of or adverse effects on the environment or any violation of governmental laws, regulations, or orders, caused, in whole or in part, by Broker's breach of any terms or provisions of this Agreement; or any negligent or willful act or omnission of Broker, its employees or subcontractors in the performance of this Agreement; or, the delivery to Disposal Systems from Broker of materials which do not conform to the description thereof in this Agreement.

- 13. Delinquency. If, during the term of this Agreement, either party shall become delinquent in settling its account or shall be in default of any provisions of this Agreement, the other party may suspend its performance hereunder until such delinquency or default has been corrected, provided, however, that no suspension shall be effective unless and until the complaining party has given written notice of default to the other party with at least ten (10) days to cure such default. Delinquent payments will result in loss of discount; see Article 21 of this Agreement.
- .14. Acts of God. Any delay or failure of either party in the performance of its required obligations hereunder shall be excused if and to the extent caused by acts of God, strikes, and/or coercive action of actions, fires, flood, windstorm, explosion, riot, sabotage, court injunction or order, loss of permits and cause or causes beyond the reasonable control of the party affected, provided that a prompt notice of such delay is given by such party to the other and each of the parties hereto shall be diligent in attempting to remove such cause or causes.
- 15. Cancellation. Either party shall have the right to cancel this Agreement at any time if the other party becomes insolvent, makes an assignment for the benefit of creditors, or has a bankruptcy petition filed by or against it. Under these conditions, either party shall have the right to cancel this Agreement at any time upon giving thirty (30) days notice to the other party.
- 16. Assignments. Neither party shall assign this Agreement or any monies due or to become due to it hereunder, and any attempt to so assign shall be void without prior written consent of both parties except that this Agreement may be assigned to transferees of substantially all assets of either party and except that Disposal Systems may be permitted to assign Broker's invoices for account receivable financing.
- 17. Mon-exclusive. Unless otherwise specified and made a part hereof, this Agreement is not to be construed as granting Disposal Systems the exclusive right to haul and/or treat and dispose of Broker's PCB materials. Nor does this Agreement grant Broker the exclusive right to sell broker, or haul PCB materials for Disposal Systems. This contract specifically refers to the material outlined on Schedule A. Broker reserves the right to contract with other parties for such services as it seems necessary.
- 18. Motices. Any notice required to be given by the terms of this Agreement shall be delivered by hand or mailed, postage prepaid to Disposal Systems at the address first given above and to the Broker at the address first given above or to such other address for either party as that party may, by notice, designate.
- 19. Invoice and Payment. Broker shall pay fifty (50) per cent of disposal charges and One Hundred (100) per cent of transportation charges (if applicable) when Disposal Systems takes possession of Broker's PCB material. After delivery of said material to Disposal Systems' PCB facility, Disposal Systems shall prepare an invoice for each manifest load of material picked up at Broker's site or delivered to Disposal Systems by Broker. Forty (40) per cent of the disposal charges will be due within thirty (30) days from date of invoice. The balance, ten (10) per cent of the disposal charges, shall be due within thirty (30) days from date of invoice. The balance, ten (10) per cent of the disposal charges, shall be due within thirty (30) days from the time that Disposal Systems gives Broker written notice that disposal of that load of material is complete. In the event Disposal Systems provides transportation for Broker's material, Broker shall pay all transportation charges when Disposal Systems takes possession of Broker's material and Broker further agrees to pay excess waiting time, cleaning and related charges to Disposal Systems' at rates set forth in Schedule A.

and calculations performed with such measurements will be kept on file and copies forwarded to Broker upon request.

- 7. Refusal of Improperly Marked Material. The Broker acknowledges that Disposal Systems has the right to refuse to accept any materials not properly labeled or packaged. Broker agrees to accept back from Disposal Systems any material that has been refused at Disposal Systems' PCB facility because of misrepresentation of the contents of any container or material, agrees to accept back ownership of said material without question or recourse, and further agrees to pay all costs incurred therein, including transportation expenses incurred by Disposal Systems. Disposal Systems has the right to refuse to accept any material that does not meet the aforesaid standards and regulations. Disposal Systems retains the exclusive right to refuse to take possession of any PCB materials of any type at the time and to take appropriate corrective actions and to return the PCB material to the Broker. The costs incurred by Disposal Systems as the result of these actions shall be reimbursed by the Broker. If for any reason beyond the control of Disposal Systems, the PCB facility is incapable of, or unavailable for disposing of said material, the Broker agrees to accept back title to the materials from Disposal Systems provided the United States Environmental Protection Agency will approve of re-assumption of ownership.
- 8. Ownership. Ownership and title to the material will pass from Broker to Disposal Systems:
 - a. If Disposal Systems furnishes transportation, at the time that a loaded vehicle leaves the Broker's premises.
 - b. if transportation is provided by Broker, title of material shall pass from Broker to Disposal Systems at such time as the material has been received, accepted and unloaded at Disposal Systems' PCB facility.

Upon transfer of ownership, Broker agrees that Disposal Systems has title to the right to exercise complete dominion over the material and has all right to recovery of this material or any credit for their potential future value.

- 9. Taxes. Any State, Federal, or local tax, including sales and use tax, imposed upon Disposal Systems by the various government authorities, including Broker's home State, for services rendered by Disposal Systems shall be passed on to the Broker and the Broker agrees to pay these taxes.
- 10. Questions of Law. Any questions of law arising out of a dispute between the parties to this Agreement shall be decided in accordance with the laws of the State of Missouri. Any unresolved dispute shall be decided by the courts of the State of Missouri and for the County of Johnson.
- 11. Loading Time. Storage and disposal prices include one hour loading time at the Broker's loading site, and Broker agrees to reimburse Disposal Systems at the rate set forth in Schedule A for reasons attributable to the Broker's unwillingness or inability to expeditiously load vehicle for all time in excess of one hour spent by Disposal Systems' employee at the loading site, and both Broker and Disposal Systems agree to the extent that the load can be properly loaded and removed from the Broker's premises.

12. Indemnification.

- a. Disposal Systems agrees to indemnify, save harmless and defend Broker from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto (including costs of defense, settlement, and reasonable attorney's fees), which it may hereafter incur, become responsible for or pay out as a result of death or bodily injuries to any person, destruction or damage to any property, contamination of or adverse effects on the environment or any violation of governmental laws, regulations or orders, caused, in whole or in part, by Disposal Systems' breach of any term or provision of this Agreement; or, any negligent or willful act or ommission of Disposal Systems, its employees or subcontractors in the performance of this Agreement.
- b. Broker agrees to indemnify, save harmless and defend Disposal Systems from and against any and all liabilities, claims, penalties, forfeitures, suits and the costs and expenses incident thereto fineluming costs of defense, settlement, and reasonable attorney's fees), which it may here-



84 SWEENEY ST • NORTH TONAWANDA NEW YORK 14120 • 716-693-7700

June 6, 1986

Martha C. Rose Chemicals, Inc. 2459 Charlotte Street Kansas City, Missouri 64108

Attention: Walter C. Carolan President

RE: AGREEMENT BETWEEN

MARTHA C. ROSE CHEMICALS, INC. and ENVIRONMENTAL TECHNOLOGY, INC.

Dear Mr. Carolan:

The Agreement of May 8, 1986 between MARTHA C. ROSE CHEMICALS, INC. and ENVIRONMENTAL TECHNOLOGY, INC. provided that commencement of the Agreement would not take place until and unless a Consent Order was issued by the Environmental Protection Agency (paragraph 9).

The Environmental Protection Agency has indicated that it will not give its consent.

Therefore, again pursuant to paragraph 9 of the Agreement dated May 8, 1986, please be advised that Environmental Technology, Inc. is electing to terminate the Agreement effective immediately.

Very truly yours,

ENVIRONMENTAL TECHNOLOGY, INC.

Philip E. Badame President

PEB:C

cc: EPA-Region VII
(David R. Tripp, Esq.)
Lear Siegler, Inc.

City of Holden, Missouri

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VI 726 MINNESOTA AVEILUE KANSAS CITY, KANSAS 66161

June 5, 1986

Kenneth J. Kulinowski Environmental Technology, Inc. Suite 660 Penntower 3100 Broadway Kansas City, Missouri 64111

Martha C. Rose Chemicals, Inc., et al.

Docket No. 86-F-0006

Dear Mr. Kulinowski:

During our meeting of June 3, 1986, representatives of Environmental Technology, Inc. (ETI) stated that the company wished to evaluate their position with respect to compliance with the terms of the Administrative Order that was issued in the above-referenced matter.

Acknowledging the fact that ETI has undertaken some response activities with respect to the May 1986 PCB spill, certain provisions of the Administrative Order that required immediate attention have not been implemented (paragraphs 1 through 5 of the Order). The Agency has agreed to extend the deadline for submitting the inventory/disposal plan to 5:00 p.mr, June 17, 1986. EPA expects that, upon the submittal of an inventory/disposal plan, or any other plan, by ETI pursuant to the Order, ETI will at that time provide assurances that the plan can be and will be implemented immediately upon approval by EPA. Each plan submitted to EPA must identify the source of funds for implementation of that plan and certify that funds are available. Implementation of a plan cannot be conditioned upon obtaining future financial assistance from third parties. Funds for implementation must be available prior to submission of a plan.

Under the terms of paragraph 9 of the Order, Respondents Martha C. Rose, Inc., ETI, American Steel Works, Inc., W.C. Carolan Company, Inc., and Walter C. Carolan were required to provide, by 5:00 p.m., May 30, 1986, telephonic and written notification as to what actions said Respondents intended to

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undertake pursuant to the terms of paragraphs 2 through 13 of the Order. EPA agreed to extend this requirement until after the June 3 meeting among the concerned parties. By this letter, the new deadline for providing the required telephonic and written notification is extended to 5:00 p.m., June 10, 1986. Providing the intent to undertake any of the response actions required by the Order must be absolute and unconditional.

If you have any questions, please contact me at 236-2809.

Sincerely,

J. Scott Pemberton

Assistant Regional Counsel

cc: John F. Papsidero, Esq.
James R. Anderson, Esq.
James G. Trimble, Esq.
Daniel Bukovac, Esq.

June 3, 1986

Cinting in his

Telephone Conference Memorandum

Rose Chemical Steering Committee

On June 3, 1986 I received a phone call from Mr. Ken Kulinowski, the Vice President of Operations of Environmental Technology, Inc. (ETI). The salient points from that conversation follow:

- o ETI is very concerned about the spill that occurred at the Rose Chemical site on Memorial Day weekend. He asked if the generators were concerned. I told him yes, the generator were concerned and that it was the desire of the generators that Rose Chemical and ETI properly clean the spill up.
- o He said ETI is afraid that contamination from the spill can spread if it rains. I responded that I hoped they were able to adequately contain the spill.
- o He finally asked if we were really concerned about the spill or not. I advised that we were and that I hoped they cleaned it up but that we normally did not call upon others to help us after we had a PCB spill. At that point, we quit discussing the spill.
- o Mr. Kulinowski wondered what we felt our responsibility was regarding the Section 126 order. I told Mr. Kulinowski that we felt that it was proper for Rose and the associated parties to dispose of the materials remaining on-site and clean the site up as EPA was requesting through the order.
- o Mr. Kulinowski indicated he would like to make a presentation of the capabilities of ETI to the generators. I said that if the generators determined that it was necessary to clean up the site that the Technical Subcommittee would then be talking to people qualified to clean up the site and that we would consider ETI's qualifications at that time.
- o Mr. Kulinowski indicated that there were 30 to 50 small generators (including one small utility in Florida) anxious to come to the site and take their materials off-site. He indicated there were no large generators in this category. I asked him what EPA's thoughts were on people removing their materials from the site. Mr. Kulinowski had no ready answer for that question.

Jene L. Robinson

JLR7:dmf

cc: Art Spratlin - USEPA, Region VII
Sheldon A. Zabel - Schiff, Hardin & Waite
Rose Chemical Steering Committee
Jim Kohanek - Clean Sites, Inc.

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500 SOUTH 27TH STREET, DECATUR, ILLINGIS 62525-1805

May 27, 1986

Mr. Art Spratlin Director, Air & Waste Toxics Management Division U. S. Environmental Protection Agency, Region VII 726 Minnesota Avenue Kansas City, Kansas 66101

Dear Art:

The Rose Chemical Steering Committee met on May 22, 1986 in St. Louis. At that meeting it was agreed to employ Clean Sites, Inc. In that respect, Clean Sites will be the neutral party acting on behalf of the generators. Hence, it would be appropriate if you would want to reference any telephone calls from generators to Clean Sites, Inc. in care of Jim Kohanek or Nancy Newkirk at phone number 703/683-8522. Specifically, we are trying to take Ms. Paige Hall out of that telephone call loop. I will still communicate with you and other persons at Region VII on behalf of the generators and as Chairman and Potential Responsible Party Executive of the Rose Chemical Steering Committee.

Legal counsel assigned to the Steering Committee for purposes of interacting with USEPA, Region VII is Schiff, Hardin & Waite. The primary lawyer assigned to the Steering Committee is Mr. Sheldon A. Zabel. Mr. Zabel's phone number is 312/876-1000. Mr. Zabel will be contacting Messrs. Tripp and Patrick in the Regional Counsel's office in the near term to initiate formal requests of various sorts of information.

Sincerely,

ILLINOIS POWER COMPANY

Jene L. Robinson

Chairman

Rose Chemical Steering Committee

cc: P. J. Womeldorff - B-20 Jim Kohanek, Clean Sites

Sheldon A. Zabel - Schiff, Hardin & Waite

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AIR AND TOXICS DIVISION

Phone Memorandum

Rose Chemical Steering Committee

On May 21, 1986, I received a phone call from Mr. Ken Kulinowski, the Vice President of Disposal Operations of Environmental Technology, Inc. (ETI). The salient points from that conversation follow:

- o It is probably feasible to match a high percentage of the materials remaining at the site with the generators of the materials.
- o The Rose Chemical "Work Order" records appear to be about 85% accurate although there is more material at the site than is shown on those records.
- o Mr. Kulinowski was very realistic during this conversation in that he indicated ETI is interested in having an opportunity to be considered as a disposer of the materials at the site. There was no indication during the conversation that ETI felt they were in a position, or even desirous, of forcing the generators to use their services as a result of some agreement with Rose Chemical.
- o Mr. Kulinowski indicated that ETI had reservations at various incineration facilities that would allow for quick disposal of the materials at the site that can be incinerated. He also indicated they had other arrangements with final disposal facilities that would be of advantage to the generators. I told Mr. Kulinowski that the Steering Committee was forming a Technical Subcommittee that would be addressing cleanup of the site and that the generators would consider any proposal that ETI wished to make.
- o I advised Mr. Kulinowski the more complete their proposal was the better it would be received by the generators.
- o I advised that any information ETI could provide on the history of its company and its officers would also be appreciated by the generators.
- o I advised Mr. Kulinowski that if he would send this information to me I would forward it to the Technical Subcommittee of the Steering Committee.

Jene L. Robinson

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ROSE: dmf

cc: Art Spratifn - USEPA, Region VII
Sheldon A. Zabel - Schiff, Hardin & Waite
Rose Chemical Steering Committee
Jim Kohanek - Clean Sites, Inc.

. JS- MCA File

Summary of Telephone Call

DATE:

BETWEEN: William A. Spratlin, EPA ARTX

Leo J. Alderman, EPA ARTX/TOPE Jene Robinson, Illinois Power

SUBJECT:

Jene called to inform me that the generators of material at Martha C. Rose met in St. Louis and that the generators had formed a steering committee.

Jene is the Chairman of the Committee. There are about 50 in attendance. The City of Colorado Springs presented slides of the MCR site. Counsel for the lease, Ziegler, also attended the meeting. Jene asked that all correspondence from generators or vendors be directed to Page Hall (Jene's assistant), and all correspondence from EPA to Jene Robinson.

Jene anticipated another meeting around May 22.

Page Hall can be contacted at (217) 424-7087.

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His is what Ex Tothera his is what Ex Tothera less it see the city forthera at Halden Jene 84 SWEENEY ST • NORTH TONAWANDA, NEW YORK 14120 • 716-693-7700

May 19, 1986

Illinois Power Company 2.0. Box 511 Decater, Illinois 62525

Attn: Mr. Jene Robinson

Dear Sir:

Enclosed please find a copy of Environmental Technology's proposed plan for remedial activities at the Rose Chemicals Site in Holden, Missouri.

As you can see, ETI is in no way affiliated with Rose Chemicals, Inc., its Officers, Principals, or Employees. ETI has however been successful in negotiating a Management Agreement with Rose Chemicals. At present ETI is on-site and functioning in your behalf at our expense! We recognize the financial risk, but we are confident that once the Generators or Responsible Parties recognize the postitive side of ETI's involvement that our remediation plan will be received also in a positive manner.

For your information, ETI has been on site since May 12, 1986 and has already responded to one spill which was promptly cleaned up, and another which is presently being cleaned up. ETI has already spent considerable time and effort reviewing the internal records of Rose Chemical which have been made available to ETI under the Management Agreement. ETI has already spent considerable time learning the warehousing system (as it exists) with full access to the entire facility which again has been made available under the Management Agreement. ETI is in the process at present of upgrading the surface water runoff treatment system and increasing the capacity of the holding and discharge areas to handle the spring rains. ETI is also presently upgrading the onsite building and equipment decontamination facilities, as well as personnel decontamination facilities already begun by Rose Chemical.

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MAY 2 7 1986

AIR AND TOXICS DIVISION

The Management Agreement between ETI and Rose Chemicals also offers several time and cost advantages to the Generators /Responsible Parties in that, because ETI is already on-site and functioning with a contract, there is no need for any legal action or long drawn out, and costly court action to gain access to the site.

An organized, professional approach is necessary if this project is to proceed in a realistic time frame with any degree of cost efficiency.

If you feel that you would prefer to remove the materials owned by your company you are certainly welcome, however we suggest you come visit the site and speak directly with our personnel and see for yourself the difficulties involved first. Any such removal would have to be scheduled with ETI and be accomplished under ETI's guidelines as prepared for the Rose Chemicals Site.

The U.S. EPA, Missouri DNR and Local Government agencies are totally cognizant of ETI's acitivities and of this attempt and contact with the Generators/Responsible Parties with regard to ETI's intentions. Another package containing a proposed contractual agreement and a letter from the President of ETI should reach you shortly.

We sincerely hope that the material presented here meets with your approval, and that you will consider the services that ETI is offering under these difficult circumstances. If you have any questions, or if we can be of any further service please don't hesitate to contact ETI at 813-931-7060 or 716-693-7700.

Very truly,

ENVIRONMENTAL TECHNOLOGY, INC.

Steven R. Kay

Vice President Special Services

Enclosure

SK: bw: 24,25

Vice Preo-Disposal Sves

NON-PCB leals from tarber Stored in load; are

on=5/13:

· Operations plan complets - would like to big

. Generators want to get material cut now - 15-20
uhat will EPA tolerade - A allow generalin to do

- Believe can find materials at site - ETT

- Generators want to take most
- Docard releve of responsible for site clean-up
Mayor concerned about security
· Sheton crew on weekend only -

. Steven Kay will handle speration in futur -

WAGSTAFF, ALVIS, STUBBEMAN, SEAMSTER & LONGACRE



ATTORNEYS AND COUNSELORS

J. M. WAGSTAFF 1862-1952 JOHN H. ALVIS 1896-1971 B. M. WAGSTAFF 1892-1973

290 CEDAR ABILENE, TEXAS

POST OFFICE BOX 360 **ABILENE, TEXAS 79604-0360** AREA CODE NA

BOBERT H. ALVIS DAVID G. STUBBEMAN DON N. SEAMSTER ROY B. LONGACRE

May 14, 1986

RUSSELL C. SEARD PHILLIP J. DAY

THOMAS M. WHEELER MARY ANN FERGUS DARRELL W. MOORE REVIN MACEWAN

Mr. Art Spratlin Director, Toxic Waste 726 Minnesota Kansas City, KS 66101

MAY 2 1 1986

TOXICS & PESTICIDES BRANCH

Re:

Martha C. Rose Chemical, Inc.

Dear Mr. Spratlin:

I would like to take this opportunity to thank you for the EPA meeting of May 7, 1986. The meeting itself was informative and certainly assisted the generators in evaluating their position vis a vis the Rose situation. Your Region's cooperation and patience in their attendance of this meeting is most appreciated.

As expected, a number of generators have since had a chance to meet and form a representative group. An EPA liason has been designated to represent the group: Mr. Jene L. Robinson, c/o Illinois Power Company, 500 South 27th Street, Decator, Illinois 62525, (217) 424-6834. You should expect Mr. Robinson to make all future contacts with EPA on behalf of this generator's group. Similarly, all information and questions to the generator group should be directed through Mr. Robinson. Hopefully, this will avoid duplicate effort for all involved.

I am optimistic that our group approach will assist in resolving the problems we face in a rapid and efficient manner.

Respectfully submitted,

WAGSTAFF, ALVIS, STUBBEMAN, SEAMSTER & LONGACRE

Mary Ann Fergus

RECEIVED

MAY 1 9 1986

AIR AND TOXICS DIVISION

MAF:sl

cc: Mr. Carl Norton
West Texas Utilities Co.

P.O. Box 841 Abilene, TX 79604

Mr. Jene L. Robinson
Illinois Power Company
500 South 27th Street
Decator, IL 62525

If you have any questions, please call Ms. Paige Hall or me. We will probably ask you to call Clean Sites directly after we have arranged a contact with them.

If your organization has acted as a broker or transporter in shipping materials to Rose Chemical, you may wish to see that the generators you were acting for receive a copy of this letter. They should probably contact the Group to preserve their best interests.

Sincerely,

ILLINOIS POWER COMPANY

Jene L. Robinson

Chairman

Rose Chemical Steering Committee

pjs

cc: Rose Chemical Steering Committee
P. J. Womeldorff - B-20
Jim Kohanek - Clean Sites, Inc.
Art Spratlin - USEPA - Region VII

PCB DISPOSAL SYSTEMS, INC.

RT. #1, BOX 159, KINGSVILLE, MO. 64061 - PH: 816/732-5591

May 8, 1986

Attn: Ken Kulinowski, Vice-President

Environmental Technology Inc. of New York

84 Sweeney Street

North Tonawanda, NY 14120 NY Phone: (716) 693-7700 KC Phone: (816) 931-7060

SUBJECT: Rose Chemicals - PCB Division Liquidation

Dear Mr. Kulinowski:

Please accept this letter as confirmation of previous verbal arrangements concerning the disposal of PCB material stored in Holden, Missouri at the Annex III owned by Martha C. Rose Inc. - PCB Division. It is our understanding that you have been given rights to dispose of their PCB inventory and decontaminate the site afterwards. Based on your arrangements with them, your company and ours have the following intentions regarding the detoxification of PCB-contaminated mineral (10-C) oil:

Once inventoried and categorized, you will make arrangements for us to pick up and detoxify the treatable oil.

We agree to transport the oil to our EPA-approved site (2 miles away) and detoxify or dechlorinate the oil to less than 2 ppm PCBs. The equipment and process to be used is owned and operated by CHEMDECON who has set up their unit on our site. Copies of their national EPA permit and insurance have already been sent to you under separate cover.

We agree to set aside up to 12,000 gallons treatment capacity per week to meet your needs. Because we are so close, we expect that we can pick up two 5700 to 6100 gallon tanker loads per week.

You, of course, have visited our site and are satisfied as to our and CHEMDECON's capability. Please feel free to extend an invitation to your clients to visit our site at their convenience.

We look forward to working with and helping to rectify the unfortunate situation that has developed at Rose.

Sincerely,

Dennis Nix President



84 SWEENEY ST. • NORTH TONAWANDA, NEW YORK 14120 • 716-693-7700

May 8, 1986

U.S. E.P.A. Region VII 726 Minnesota Ave. Kansas City, Kansas 66101

Attention: Mr. David Tripp

Regional Counsel

Re: Four Phase Remediation Plan
Martha C. Rose Chemical Company

Dear Mr. Tripp,

Pursuant to our discussions and in line with the guidance set forth by the U.S. E.P.A. Region VII, Environmental Technology, Inc. (ETI) will undertake a multi-phase program to remediate the Martha C. Rose Chemical Inc. facility located in Holden, Missouri.

Environmental Technology, Inc. has entered into agreements with Mr. Walter C. Carolan, President of Rose and will begin management of the site effective Monday May 12, 1986. Although ETI is not a Potentially Responsible Party (PRP), the management and staff of ETI have in excess of 80 years experience in the hazardous waste management industy and we specialize in this type of project. In addition, we have a sincere interest in acquiring Martha C. Rose Chemical Company and to this end, we have dedicated ourselves and our resources to performing in a most efficient and cost effective manner. We would like to see the facility at Holden cleaned up and allowed to continue operations as a disposal facility.

ETI believes that with the cooperation of the generators and the assistance of the U.S. E.P.A. we can perform this monumental task in such a way that each PRP would share in the cost of the project at minimal expense in comparison to a mandated SuperFund site cleanup. The economic advantages to any PRP in such an undertaking are widely acknowledged.

The plan we have authored consists of four (4) phases:

PHASE I - INVENTORY

ETI will begin on Monday May 12, 1986 to conduct an in-depth inventory of the PCB material located at the facility. This inventory will determine who the PRPs are and to what extent they have material at the facility. We intend to request a fee of \$1000.00 per manifest from each PRP in order to cover the costs associated with the inventory, material identification, and reporting. ETI will provide each PRP with a report of their material and its status and we will provide the U. S. E.P.A. with these reports as well. ETI will no doubt incur some resistance from a few of the PRP's and we will advise you and you may choose to deal with them in an official capacity.

PHASE II DISPOSAL

ETI will conduct orderly systematic and proper disposal of all base PRP material located at the facility according to a prescribed timetable. ETI has secured contracts with the major disposal facilities for this project including U.S. Ecology, Chemical Waste Managment, and Ensco, to name a few. ETI has secured reasonable prices and will be able to arrange the disposal of the PRP's material in a most cost effective manner. Additionally, we have been assured of prompt incineration and landfill. There are in place attractive trucking rates and we have a substantial fleet of haulers on line and ready to proceed.

ETI will provide each PRP with the total price for disposal and transportation of their waste present at the facility. It will be their option of either having ETI dispose of their material or a contractor of their choice. We will effect the disposal on a first come-first serve basis; i.e. those PRP's that respond first to our plan will be handled first. ETI will ask the PRP's to place the dollars required to dispose of their material in an escrow account which has already been established at the Manufacturers and Traders Trust Company located in Buffalo, New York. The M & T is a well recognized commercial banking institution with impeccable credentials and experience. Once we have the PRP's money in escrow, we will send their material out for disposal. When the bank receives a Certificate of Disposal for the disposal facility they will then release the money to ETI. This procedure will perform two functions: (1) the generators will be sure that their material has been disposed of before they actually pay. (2) ETI will be paid for the disposal and not left holding an empty bag.

PHASE III - RESIDUAL MATERIAL

Upon disposition of BASE MATERIAL (described as readily identifiable capacitor cores and transformers), debris, PCB oils and other residual materials will be disposed of in accordance with Federal Regulations governing particular materials. It is anticipated that TSCA regulations for disposition of PCB's will govern most, if not all, Phase III materials. The method of allocating assessments for this residual material will be a pro rata formula based on percentage of individual generator involvement at Martha C. Rose. This disposition will be in accordance with guidance given by U.S. EPA Region VII. It has been determined that there is substantial residual material in storage that will need proper disposition at significant cost.

PHASE IV - SITE RESTORATION

This final phase has been established in order to comply with the conditions of remedial action mandated in the U.S. EPA Region VII letter of April 23, 1986 (Page 3, Article 1). The total clean-up effort referenced has yet to be assessed from a financial point of view. It would probably be best addressed during or after the Inventory and Residual Removal, when the final magnitude is more definable. As in the case of Phase III, allocation of assessments will be a pro-rate formula based on percentage of individual PRP involvement at MRC. The time frame for completion of the final remediation would, obviously, be predicated on defining the total magnitude and subject to U.S. EPA Region VII guidance in this area.

From a practical and economic stand point the approach to minimizing cost is to begin and commit to the program as soon as possible. The costs associated with the operation and disposal cannot be held firm for long standing periods of time. Simply stated, it appears that "First come, First served" may be very significant for the PRP's in the final analysis.

You indicated in our previous discussion that the EPA would issue a consent order which would allow the generators who participate in this plan to be held harmless as long as they actively participate in all four phases of the program. I believe it to be essential that you issue this order as soon as practical.

Finally, ETI is preparing a complete plan for the remediation of this site and this plan will be delivered to you shortly.

If you require further information please let us know.

Sincerely,

ENIVIRONMENTAL TECHNOLOGY, INC.

PB:bw



Chemical Waste Management, Inc.

Technical Center
150 W 137th Street
Riverdale Illinois 6061
312 841-8360 = 5 5

May 2, 1986

Environmental Technology, Inc. 84 Sweeney Street
North Tonawanda, NY 14120

Attention: Kenneth J. Kulinowski,

Vice President, Sales

Subject: Rose Chemicals - Remedial Action Project

Dear Mr. Kulinowski:

Confirming our discussion on April 24, 1986, Chemical Waste Management, Inc., is providing a written draft proposal for the incineration of shredded capacitor cores. The details of this proposal are listed below for your review:

Price/Volume

- First 2 million pounds at \$.55 per pound, plus \$.064 per pound to completely retire the \$128,000 Rose Chemical debt owed to CWM.
- Second 2 million pounds or the remaining inventory, whichever is greater, at \$.55/lb. This price would be valid until July 1, 1987.
- CWM to provide ETI with a fixed price of \$.42/lb. for approximately 500,000 gallons of PCB liquids in storage at the Rose Chemical Site. A mutually acceptable shipping schedule would be negotiated.
- CWM to provide ETI with a mutually acceptable fixed price for a specific volume of transformer carcasses associated with this project.
- . CWM to be allowed full access to the Rose site in order to verify volume.



Environmental Technology, Inc. Page 2

Shipping Schedule

- CWM to immediately begin accepting (subject to capacity limitations) 35K-70K pounds per week of shredded capacitor cores in 100 lb. poly bags after an agreement is signed.
- CWM to increase the volume acceptable to approximately 140K pounds per week beginning in November 1986.

Payment Schedule

• ETI/PRP's to establish an escrow account with a mutually acceptable bank for payment of CWM invoices within 5 working days of receipt of our Certificate of Destruction.

In the event that ETI is successful in their negotiation with Rose Chemical, EPA, and the PRP's, Chemical Waste Management would look forward to successfully negotiating an agreement to work with you on this remedial action.

Respectfully,

Walter J. Watson

Regional Sales Manager

Northern Region

WJW/bk



technology inc.

1986 3 0 V F

EPA-CNSL

84 SWEENEY ST. . NORTH TONAWANDA NEW YORK 14120 . 716-693-7700

May 1, 1986

Mr. David R. Tripp Regional Counsel US Environmental Protection Agency Region VII 726 Minnesota Avenue Kansas City, Kansas 66101

Ref: Martha C. Rose Chemical Company - Holden, Missouri

Dear Mr. Tripp:

I am in receipt of your letter dated April 23, 1986, in which you have outlined the EPA's position on the cleanup on the Martha Rose Chemical Company site at Holden, Missouri. I would like to take this opportunity to thank you for your consideration in meeting with us on April 17, 1986 on such short notice.

We are presently preparing the Operations Plan for the remediation of the MRC site, and as we had discussed, it will be a four phase program. The four phases are as follows:

Phase I - Site Inventory

Phase II - Removal and Disposal of Identifiable PCB Material

Phase III - Removal and Disposal of all Residual and Unidentifiable PCB

Material

Phase IV - Remediation including Detoxification of the MRC Facility

We have our escrew agreements in place with the Manufacturers and Traders Trust Company here in Buffalo, New York and we have a management agreement with Walter C. Carolan, which in effect allows us to take over the management of Rose Chemical Company. I will be contacting you shortly to discuss our plan and will look forward to meeting with you in the very near future.

Please address any future correspondence to me at our North Tonawanda address shown above. We are not occupying office space at the Rose Chemical offices in Kansas City.

Thanking you in advance for any assistance you may be able to provide.

Sincerely yours,

ENVIRONMENTAL TECHNOLOGY, INC.

Philip E. Badame

President

PEB:gc





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE .
KANSAS CITY, KANSAS 65101

June 27, 1986

Philip E. Badame, President Environmental Technology, Inc. 84 Sweeney Street North Tonawanda, New York 14120

Re: Martha C. Rose Chemicals, Inc. CERCLA Administrative Order - Docket No. 86-F-0006

Dear Mr. Badame:

This is in response to letters recently sent by you on or about June 17 and June 19, 1986, to certain generators of PCBs and PCB items presently located at the Martha C. Rose Chemicals, Inc. (MRC) facility in Holden, Missouri. The Environmental Protection Agency (EPA) is quite concerned with respect to the contents of those letters, especially in light of Environmental Technology, Inc.'s (ETI) actions since the issuance of the Administrative Order under Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) on May 23, 1986, to parties including ETI.

Your correspondence to the generators leaves the impression that ETI presently has an agreement with MRC allowing ETI to manage and orderly remove and dispose of PCB material remaining onsite. Aside from the fact that the terms of the said Administrative Order prohibits any such activity at that MRC facility without specific approval of EPA (which EPA has not provided), ETI has informed EPA, by letter dated June 6, 1986, that it has terminated the agreement with MRC. Because of this announced termination of the contractual agreement with MRC, it appears ETI presently has no authority to be on-site to implement the actions that are specified in your letters to the generators.

Your letters to the generators state that ETI is prepared to move ahead and begin the inventory of the material at the site. The Administrative Order required ETI, as well as the other named Respondents, to submit an inventory/disposal plan to EPA and conduct certain other needed response actions within a certain time frame. By letter dated June 5, 1986, I informed ETI that any plan submitted by the company must provide assurances that the plan can be and would be implemented immediately upon approval by EPA and must identify the source of funds for implementation of that plan and certify that funds are available. ETI's response (dated June 11, 1986) to my June 5 letter stated that, "ETI does not have the financial ability to undertake the requested inventory/disposal plan and should not be considered a party responsible to do so since it never shipped any materials to the MRC facility." Furthermore, ETI indicated that it would undertake a detailed inventory and disposal program only with financial assistance from third party generators. ETI's response to the Administrative Order leaves EPA no choice but to interpret ETI's responses as a refusal to comply with the terms of the Order.

ETI's letters to the generators also state that once the inventory is completed, you would notify each generator of the total cost for disposal of its material. The ETI letters also state that once funds to cover disposal of a generator's waste is received, ETI would ship its waste to an approved TSCA facility for immediate disposition.

As has been previously communicated to you and as set forth in the Administrative Order, any inventory/disposal plan must address all onsite and offsite environmental contamination that has occurred at the facility due to the release of PCBs and PCB items. EPA will not approve any plan that addresses inventory and proper disposal unless it also addresses all onsite and offsite environmental contamination. EPA will not allow a piecemeal approach to the problems that exist at the facility, such as removal of a small number of generators' PCBs and PCB items. Not only must all onsite and offsite environmental contamination be addressed, but all PCBs and PCB items at the MRC facility must be disposed of in total.

ETI's responses to the Administrative Order and subsequent requirements have failed to fully address the necessary requried response actions at and near the MRC facility. EPA has not approved ETI's "Proposal for Remedial Activities at Rose Chemical Site, Holden, Missouri," submitted to EPA by letter dated May 15, 1986. Rejection of the plan is based

not only on the failure to provide required financial assurances and guarantees but also on other substantive defects within the plan.

Because of the failure of MRC, American Steel Works, Inc., W.C. Carolan Company, Inc., Walter C. Carolan, and ETI to comply with terms of the Administrative Order, EPA has begun active discussions with a group of generators who have formed the Rose Chemical Steering Committee for purposes of addressing environmental concerns at and near the MRC facility. We will keep you informed, upon your request, of the status of those discussions to the extent that such disclosure is appropriate. You are aware of the involvement of Clean Sites, Inc., in this matter on behalf of the generator committee, and as a potential contractor in any eventual EPA-approved cleanup at the site, you should maintain communications with them and the generator committee. The designated individuals to contact at each of those organizations is shown on the enclosed letter of May 27, 1986.

Yours very truly,

J. Scott Pemberton

Assistant Regional Counsel

Enclosure

cc: John F. Papsidero, Esq.
James R. Anderson, Esq.
James G. Trimble, Esq.
Daniel Bukovac, Esq.
Sheldon A. Zabel, Esq.

500 SOUTH 27TH STREET, DECATUR, ILLINOIS 67525-1903

May 27, 1986

Mr. Art Spratlin Director, Air & Waste Toxics Management Division U. S. Environmental Protection Agency, Region VII 726 Minnesota Avenue Kansas City, Kansas 66101

Dear Art:

The Rose Chemical Steering Committee met on May 22, 1986 in St. Louis. At that meeting it was agreed to employ Clean Sites, Inc. In that respect, Clean Sites will be the neutral party acting on behalf of the generators. Hence, it would be appropriate if you would want to reference any telephone calls from generators to Clean Sites, Inc. in care of Jim Kohanek or Nancy Newkirk at phone number 703/683-8522. Specifically, we are trying to take Ms. Paige Hall out of that telephone call loop. I will still communicate with you and other persons at Region VII on behalf of the generators and as Chairman and Potential Responsible Party Executive of the Rose Chemical Steering Committee.

Legal counsel assigned to the Steering Committee for purposes of interacting with USEPA, Region VII is Schiff, Hardin & Waite. The primary lawyer assigned to the Steering Committee is Mr. Sheldon A. Zabel. Mr. Zabel's phone number is 312/876-1000. Mr. Zabel will be contacting Messrs. Tripp and Patrick in the Regional Counsel's office in the near term to initiate formal requests of various sorts of information.

Sincerely,

ILLINOIS POWER COMPANY

Jene L. Robinson

Chairman

Rose Chemical Steering Committee

cc: P. J. Womeldorff - B-20
Jim Kohanek, Clean Sites
Sheldon A. Zabel - Schiff, Hardin & Walte

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MAY 2 9 1986

AIR AND TOXICS DIVISION

Tripp Wagner Wulder July 7, 1986

Walter C. Carolan Martha C. Rose Chemicals, Inc. 2459 Charlotte Kansas City, Hissouri 64168

Dear Mr. Carolan:

On March 5, 1986, you were served with a subpoens, executed March 4, 1986, pursuant to the authority of Section 11(c) of the Texic Substances Control Act, 15 U.S.C. 2610(c), by the Environmental Protection Agency (EPA), Region VII.

Based on your partial refusal to comply, EPA sought and obtained, on March 20. 1986, an Order of the Federal District Court for the Western District of Missouri, to show cause why an Order to comply should not be issued. A hearing was set for March 24, 1936. Following issuance of the Order, an agreement was reached between the parties, set forth in the Court order of May 5, 1986, in which Martha C. Rose Chemicals, Inc. (Rose), would supply the documents requested in the subpoena (see attachment). The hearing set for March 24, 1986, was postponed. To date. Rose financial documents have been supplied for the year 1984. Although you agreed to supply documents which identified the consideration for all transfers of funds from Rose to American Steel Works, Dust Suppression Systems and W.C. Carolan Co., Inc., as confirmed by your counsel, these documents have not been provided.

On Thursday, July 3, 1986, EPA personnel observed Mr. Dwight Thomas, an American Steel employee, physically removing documents from the Holden facility to an off-premises location.

Under the terms of the agreement reached pursuant to the issuance of the subcoene, and reflected in the Order of May 5, 1986, you are hereby requested to comply with said agreement, said Order, and said subpoena by providing to EPA the Rose documents requested for the time period January 1, 1983, to the present, excluding documents for 1984 that have already been produced.

CONCURRENCES							
SYMBOL							
SURNAME)	Renges	70,00					
DATE)	7-7-186	7.7-86					
EPA Form	1320-1 (12-70)					OFFICE	AL FILE COPY

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July 7, 1986

후 생생 원임의

Telephone Call Memorandum

Re: Rose Chemical Steering Committee Matters

Tcalled Art Spratlin to discuss the sanitary treatment system sludge at the City of Holden. Before I could express my concern he said Region VII staff was now spending a considerable amount of effort trying to find out whether or not the sludge was contaminated, why it could not be disposed of, who all was involved, etc.

I asked Art to look into how much PCB was normally in sanitary sludge and whether or not there was reason to expect that the Holden sludge was contaminated by Rose. I also asked that a determination be made whether or not the sludge was excessively contaminated or if the media hoopla was creating the disposal problem.

I told him we wanted to ask these questions now and have this resolved before someone asked the generators to be responsible for disposing of the sludge. I said if we waited until we were expected to be responsible to ask these questions we could be accused of stalling and I wanted to avoid that.

Art asked what the Steering Committee was doing. I advised we were trying to get access to the site and records to allow assessment and inventory to begin and to finalize our organizational efforts. I told him our legal counsel having almost daily conversations on any number of matters with theirs.

I promised, and did send, Art a copy of the June 17, 1986 ETI letter and its attachments.

Jene L. Robinson

pjs

cc: Art Spratlin - USEPA, Region VII
Rose Chemical Steering Committee
Rose Chemical Legal Subcommittee
Jim Kohanek - Clean Sites, Inc.
S. A. Zabel - Schiff, Hardin & Waite

RECEIVED

JUL 0 9 1986

AIR AND TOXICS DIVISION

This request includes the Rose income tax return for 1985, as agreed, and the documents reflecting consideration, mentioned above, and all processing records, including but not limited to, the 1985 annual report required by 40 C.F.R. 761.180, material logs, capacitor processing logs, transformer processing logs, bulk storage logs for each tank, oil processing logs, daily processing logs, sampling logs, process schedules, oil transfer sheets, oil forms, core records, transformer information (dismantling logs), tank records, transformer 90 day waiting period logs, reactor shift sheets, weekly reactor reports, oil dump (greater than 10,000 ppm) records, miscellaneous loading records, and analysis results (including standards, duplicates, etc.).

Pursuant to the subject subpoena, you are to appear in person at the LPA Region VII Office, 726 Minnesota Avenue, Kansas City, Kansas 65101, at 9:00 a.m. July 11, 1986, and produce the above-requested items for inspection and copying.

Your compliance with this request does not relieve you of compliance with the additional requirements of the subpoena of March 4, 1986. Specifically, all records requested therein should be preserved in a businesslike, orderly manner until produced.

Sincerely yours,

David R. Tripp Regional Counsel

Attachment

cc: James R. Anderson, Esq. 210 Scarritt Bldg. 818 Grand Avenue Kansas City, Missouri 64106

Vernon A. Poschel
Assistant U.S. Attorney
549 U.S. Court House
811 Grand
Kansas City, Missouri 64106

bcc: TOPE Scott Pemberton, CNSL

CNSL:HFROMPAGE:emm:7/7/86-X280-Disk TSCA 3

SCHIFF HARDIN & WAITE

A Parmership Including Professional Corporations

7200 Sears Tower, Chicago, Illinois 60606 Telephone (312) 876-1000 Twx 910-221-2463 WASHINGTON OFFICE:

1101 Connecticut Avenue, N.W., Washington, D.C. 20036 Telephone (202) 857-0600 Telex SHW 54590

xc of whole package to let Sprattin, Reg. III W/SLR's land orig -> Jer desk file

June 25, 1986

PROGRAL ARPRESS

ifr. Scott Pemberton U.S.E.P.A. Region VII 128 Minnesota Avenue Kanssa City, Kanssa 56101

Res Rose Chemical

Deur Jir. Pembertons

I am enclosing a copy of a letter and attachments received by Kanses Power & Light Co. from ETL I tried to reach you by phone today and decided to go about and send this to you even if we are unable to talk today. It is my understanding that at least some of the other generators elso have received this latter (some cated June 17, some June 19).

It was my understanding, based on the conference call on June 13 with you, Masses, Bullovae and Trimole and saynelf, that ETI had terminated its agreement with Rose and withdrawn from the site. We conveyed that information to the generators at least some of whom are now receiving the enclosed from ETI and are confused. Their some of the generators sign the agreement with ETI, organizing and managing the offert for this site is only going to become more difficult. This is particularly true, as I understood pur conversation, because Region VII has not approved any plane by ETI and would not approve them without an adequate demonstration of financial capability.

We would like to communicate with the generators promptly because of this ETI letter and the difficulties it can recate but we are somewhat at a loss to know what to tell them. Our choices seem to be to tell them that our prior information -- that ETI had althorawn -- apparently was erroneous and that we only can august that they contact you before making a decision on the ETI letter. Alternatively if we could reach some understanding of the Region's position on the ETI letter, possibly commented in a letter or by some other action of EPA, we could inform the generators of that.

In the event we have not had an opportunity to talk by the time you receive this letter, I would appreciate it if you could call mo.

Yery traly yours

Sheldon A. Label

SAZ/mab

bc: Ms. N. Newkirk, Esq. Mr. J. L. Robinson

W DEPT.

JUN 24 1986

RECEIVED

84 BWEENEY ST . NORTH TONAWANDA NEW YORK 14120 . 716-693-7700

technology inc

Kansas Power & Light P.O. Box 889 Topaka, Kansas 66601

Attn: Bob Fackler

Dear Mr. Packler:

Environmental Technology, Inc. (ETI) recently sent you a copy of a document entitled "Proposal for Remedial Activities at Rose Chemical Site, Holden, Missouri."

Your organization has been identified as a generator having FCB material at Rose Chamical. By now you are aware that a major problem exists as the Rose Chamical facility has stopped the processing of FCB materials.

Environmental Technology, Inc. entered into an agreement with Rose Chemical Co. which allowed us to manage the orderly removal and disposal of RCB material remaining at the site. Since Rose Chemical has declared itself insolvent, the presence of Environmental Technology, Inc. at the facility has prevented the EPA from calling the site abandoned and declaring the site a superfund project. Our presence has not gone unnoticed. Some generators thought we were part of Rose Chemical, some thought we should leave the site and still others have asked ETI to maintain presence at the facility and to provide a plan for the remediation of the site which we gladly did.

EII has provided security, worked at remediating a major <u>spill</u> which has caused some contamination to the environment, soved in emergency response equipment and provided margorer and other essentials. All of these were provided at no cost to anyone. We believe that EII has the only complete plan for the remediation of the site in existence since we are the only clean-up contractor who has taken an active interest in this project. We have spent a great deal of time and money to keep this project from becoming a costly superfund project and believe we have saved the generators thousands of dollars.

We are propered to move ahead and begin the inventory of the material at the site. Our plan calls for each generator to pay an assessment of \$1,000.00, per job order (manifest) identifiable to that generator. This assessment will pay for the administration, management and manpower to locate, isolate, package, label and prepare for shipment that material found on each generators job orders. Once we have identified your material, we will notify you of the quantities and total cost to you for disposal.

Once you have forwarded your funds to cover disposal of your waste, we will ship your waste to an approved TSCA facility for immediate disposition. Your funds will be held in an escrew account (see attached escrew agreement) until such time as you receive your certificate of disposal destruction.

While the inventory, removal and disposal of your PCB waste will not relieve your Company of ultimate responsibility for the site remediation as directed by the EPA, it will give you the assurance that your material is not going to sit while various groups decide what to do.

Err has already received signed contracts from many generators and we are proceeding according to our plan. We sak that you sign the enclosed disposal agreement and forward your check for the inventory as soon as possible (see schedule for number of job orders (manificate) identified as open for your Company).

We are scheduling disposal now based on a first come first served basis. We have secured excellent disposal prices and ask that you react quickly in order for us to avoid impending disposal price increases.

If you have any questions, please feel free to call our office.

Sincerely,

BATRONENIAL TROPALOGY, INC.

Philip E. Bedene

Dragicent.

Encs. Disposal Contract
Escrow Agreement
Job Ordar Schedule



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII - 324 EAST ELEVENTH STREET KANSAS CITY, MISSOURI - 64106

DEC 2 1983

- OFFICE OF THE REGIONAL ADMINISTRATOR

 Honorablé Thomas F. Eagleton U.S. Senate Washington, D.C. 20510

Dear Senator Eagleton:

Thank you for your November 3, 1983, inquiry on behalf of Mr. Walter Carolan, President of Rose Chemials, Inc. Mr. Carolan has indicated to you that he has experienced long delays in EPA's processing of his permit applications.

On February 16, 1983, Rose Chemicals received interim approval to process PCB capacitors by an alternate method of disposal to incineration. On November 7, 1983, we granted the company a three year approval of this process which will reduce the volume of material subject to PCB disposal requirements. A condition of this approval specifies that all components of the capacitors not reduced to below 2 parts per billion PCB must still be incinerated.

You inquired about the time required for processing permits in general and specifically for Rose Chemicals' application for a Capacitor Core Material Reduction Method.

- * Applications are reviewed in the order they are received.
- Completeness Review a check to make sure an adequate application has been submitted (within 30 days of receipt ideally).
- * Technical Evaluation a technical review of the process(es) involved (30 days; for unique processes sometimes longer).
- Research and Development (R & D) Approval if no data demonstrating the adequacy of the PCB disposal process are submitted with the application, a temporary approval is granted to a company to "dispose" of a limited quantity of PCBs under controlled conditions in order to generate data (this approval could be issued soon after the technical evaluation; about 15 days).
- Interim Approval a short-term approval would be issued to a company after the process has been satisfactorily demonstrated to EPA; this approval would allow a six (6) month commercial operation so the company may demonstrate an acceptable performance.
- * Final Approval assuming satisfactory performance demonstrated during the interim approval period, a three year approval would be granted.

Rose Chemicals' initial application, submitted on September 20, 1983, for processing capacitor cores was inadequate. We suggested meeting with company officials to discuss their application and this meeting was held on November 10. As a result of this meeting the company revised and resubmitted their application which we received on November 18. The application is currently under review and we expect to respond to the company by mid-December.

I hope this adequately explains the steps involved in processing applications and the status of Rose Chemicals' application.

If you have any questions or need additional information, please contact us. The member of my staff most familiar with Rose Chemicals' application is Mr. Stephen Busch, Chemical Engineer, Permits Section. He can be reached at (816) 374-6531.

Sincerely yours,

Morris Kay

Regional Administrator

MARE & MATPIELS, SPES., SHARMAN

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& REITH REWINDS, STAFF SHREETON

Alnised States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 2010

November 3, 1983

Mr. Morris Kay
Regional Administrator
Environmental Protection Agency
Region VII
324 East 11th Street
Kansas City, Missouri 64108

Dear Mr. Kay:

I have been recently contacted by Mr. Walter Carolan of Rose Chemicals, Inc. about an application he has filed with the Regional VII office for a Capacitor Core Material Reduction Method.

In the past, Mr. Carolan has experienced long delays in processing of his applications, and would like to have some sense of the timing on this application, as to when he may receive notice on his application. I realize that you cannot pinpoint precisely your processing, but if you could provide for me the steps that must be taken to approve such an application, I would be most appreciative.

I would hope that the Region VII office will give Mr. Carolan's application every consideration.

Sincerely,

Thomas F. Eagleton 'United States Senator

TFE:rob
Enclosure

RECEIVED



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So: RA ARUM EN-

Honorable E. Thomas Coleman House of Representatives Washington, D.C. 20515

Dear Mr. Coleman:

Thank you for your inquiry of November 2, 1983, on behalf of your constituent, Mr. Walter C. Carolan of Rose Chemicals, Incorporated, Kansas City, Missouri. In his letter of September 30, 1983, Mr. Carolan raises several concerns he has with the polychlorinated biphenyl (PCB) storage for disposal requirements, particularly the one year storage limit, and the Agency's policy for compliance and enforcement of the requirements.

The PCB storage for disposal requirements (40 CFR 761.65(a) (1982)) limit storage of PCBs designated for disposal to one year.

."Any PCB Article or PCB Container stored for disposal before January 1, 1983, shall be removed from storage and disposed of as required by this Part before January 1, 1984. Any PCB Article or PCB Container stored for disposal after January 1, 1983, shall be removed from storage and disposed of as required by Subpart D within one year from the date when it was first placed into storage."

There are no waiver provisions for these requirements, which were published on February 17, 1978 as part of the original PCB disposal regulations (43 FR 7150). At that time, the Environmental Protection Agency (EPA) recognized that industry needed adequate time to develop disposal techniques and construct additional storage facilities. Therefore, the Agency allowed an initial period of five years for storage before disposal had to be carried out. Accordingly, the one year time limit began on January 1, 1983. The disposal deadline was also published in the Federal Register on May 31, 1979.

To remind the regulated community of the one year time limit on storage, EPA published a notice in the Federal Register of November 17, 1983 (48 FR 52304). This notice incorporates the Agency's policy on compliance and enforcement of storage for disposal regulations under PCB rule (40 CFR Part 761). The notice also provides the Agency's rationale for this policy.

RECEIVED.

DEC 2 1983



EPA will not extend the one year time limit to allow PCB waste generators or disposal facilities additional time to store and dispose of PCB waste. EPA will, however, allow disposal facilities receiving waste a year after being put into storage by the generator, an additional 90 days after receipt to dispose of the wastes without incurring enforcement liability. Also, EPA will allocate liability for failure to meet the one year disposal deadline between the waste generator and disposer.

EPA believes that adequate disposal capacity is available to accommodate current inventories of PCB waste. In addition, EPA has determined that 90 days are sufficient lead-time for the disposer to receive and dispose of PCB waste. To date, four land-based, commercial incinerators have received EPA approvals to dispose of PCBs (ENSCO in El Dorado, Arkansas; Rollins in Deer Park, Texas; General Electric in Pittsfield, Mass; and SCA Chemicals Services, Inc, in Chicago, Illinois). Representatives of these firms have indicated that they are currently accepting PCB wastes for disposal; two of these firms have indicated that PCB waste is disposed of within 90 days after receipt by their facilities.

EPA recognizes the importance of developing technology in the area of PCB disposal, and is committed to evaluating applications for PCB disposal as expeditiously as possible. However, companies seeking Agency approvals should be aware that they will be required to comply with all applicable EPA regulations while awaiting a decision on pending applications.

Companies currently storing PCB wastes which must be disposed of within 90 days are encouraged to make arrangements for disposal as soon as possible. If a company is unable to make arrangements for disposal of its waste by the required date, the company should contact the EPA regional enforcement office to begin negotiating compliance agreements and/or other remedies consistent with the PCB penalty policy. A list of regional enforcement office contacts and the November 17, 1983 Federal Register notice are enclosed.

Sincerely yours

/s/ John A. Moore

John A. Moore, D.V.M. Assistant Administrator for Pesticides and Toxic Substances

Enclosures

Prepared by: TS-799/JDain/ps/382-3790/Rm545ET/11/23/83/

Retyped by: TS-799/JDain/bd/11/25/83 Retyped by: TS-799/MHalper/bd/11/25/83

bcc: Official File TAO Reading File

Region 7 AL-09685

AL-103/Ms. Croft
OPTS/Taylor (2)

OTS Reading File

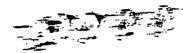
Rose Chemicals PCB Division

Rose Chemicals D. PCB Division

2459 Cheriotte Si Kensas City, Missouri 64*

! Walter C. Carola

September 30, 1983



The Honorable Tom Coleman United States Representative 2344 Rayburn Building Washington, D.C. 20515

Gentlemen:

The purpose of this writing is an effort on our part to call to your attention to what we believe are inequities in a recently issued (8-15-83) T.C.S.A. Compliance program-ie 6-PCB-1 through 6-PCB-7 as well as the ominous consequences that they forecast. As we understood it, this material which is attached is meant by the EPA to be their interpretation or "clarification" of existing rules, and we are not so sure that some parts of this are not effectively new rules--without a hearing. We are suggesting that certain circumstances make this policy unfair and will work counter to public interest as well as that of our company. We have attached a highlighted copy of the T.S.C.A. program as well as other papers and documents illustrating our problems for your convenience.

Our company is in the business of resource recovery of PCB contaminated items, and we attach approvals granted us by the EPA illustrating our present areas of expertise; decontaminating hydrocarbon oils, capacitors and experimentally transformers.

We also have before the EPA requests for approval to decontaminate gas condensate and a method to further recover additional materials from capacitors, and to land fill (hazardous waste) residual materials.

It is this latter request for approval that suggests the area in which the newly interpreted rules work a needless hardship on resource recovery companies as well as generators at large.

THE PROBLEM

- 1. Currently we are required to commit all PCB waste materials from our process to incinerators that were accumulated in the year prior to January 1, 1983.
- 2. The two land based incinerators have assured the EPA that they can dispose of all materials received within 90 days and so the "90 day rule" has been established (See 6-PCB-6). By virtue of our approval to dispose of PCB's, we have been recognized by the USEPA as a suitable alternative to incineration, however, our data on disposal time was not solicited.
- 3. We have tendered business to the two land based incinerators and to date (9-28-83) have received no written reply, however, our pursuit of them via telephone had indicated that one firm would reply and one would not do business with us. This has all gone on for some 6 months.
- 4. Our conclusion is that the government has inadvertently set up these two companies as an oligopoly, and these two companies would prefer we went out of business.
- 5. These two companies can obviously not treat material in 90 days as they can not answer their mail in 6 months.
- 6. The EPA does not seem to be able to review alternative methods to incineration in a timely fashion. We understand this is because of budgetary problems as well as a lack of technical manpower. (See letter from Morris Kay of the EPA dated 8-12-83)
- 7. In summary we are told to commit material to incinerators, and the two companies in business have shown a lack of interest in even discussing the matter with us.

THE SUGGESTED SOLUTION

- 1. Extend the one year deadline for an additional year at least for companies that are <u>legitamately</u> in the PCB resource recovery business.
- 2. Extend the 90 day rule to 180 days for the same group of companies. (Resource recovery takes longer than incineration.)

THE RATIONALE

- 1. Our company has before the EPA for approval a process which will negate a great deal if not all of the incineration process in the name of resource recovery. (We have spent a great deal of time and money on this research and development project.)
- 2. -Two-incinerator ships are to be launched, and EPA approved, by At-Sea Incineration, Inc. within the next year. This will relieve the monopolistic character of the incineration companies.
 - 3. Another land based solid waste incinerator for PCB material will be approved (current) and on stream within the next year-further reduction of the incineration monopoly (Company SCA, Inc.)

We have attached copies of the recently issued T.S.C.A. Policy and highlighted the areas that are troublesome and have provided copies of approvals and correspondence which we feel might give you the short course on a long drawn out complicated subject. We are not critizing in any way the actions of the EPA, but we are trying to point out a policy that has inadvertently caused an anomoly in the market place and the orderly removal of PCB items from the public at large. Representatives of our company will be glad to meet at any time with representatives of the government to further explain our point of view. We hope you will be able to act on this information, as the best interests, we believe, of the public as well as our company would be served.

Sincerely, MARTHA C. ROSE CHEMICALS, INC.

Walter C. Carolan

WCC/vw

2459 Charlotte Street Kenses City, Missouri 64108 (\$16) 471-7227

October 12, 1983

The Honorable Thomas Coleman United States Representative 2344 Rayburn House Office Building Washington, D.C. 20515

Attention: Susan Adkins

Reference: Office Visit Concerning EPA Regulations

Our prior letter of 9-30-83

Gentlemen:

First, I wish to thank you for the time your office gave to us last week, October 4, 1983, and listening to what we consider a most serious problem that will surely effect the operation of our company as well as several others. Although, we were not able to meet with you personally, your staff assistant, Susan Adkins, gave us most valuable information and suggested several areas in which she felt your office could help us.

We incidently, understand that SCA Inc., one of the companies noted in our letter of 9-30-83, has received the U.S.E.P.A. approval and are awaiting their Illinois air pollution state sanction. We would expect them to be in actual production in early 1984, or sooner. It is, however, in our, as well as Missouri's best interest to promptly be able to handle this material here at our own site utilizing our own resources. We have here an opportunity to develop and keep in Missouri a high-technology business in a rural area where the job and employment opportunities are needed.

Along these lines--one of our frustrations is the slow pace encountered in the process of reviewing action on EPA requests for treatment approvals, caused I'm sure by their lack of technical manpower--ie, funds. This is a key reason why we feel that the extension of the "one year deadline" should be

The Honorable Thomas Coleman October 12, 1983 ! .Page 2

granted to companies legitimately in the PCB resource recovery business. In our own case, we will be in the position of destroying a great deal of recoverable resource material while we are awaiting an approval or a response concerning its treatment. Please understand that our cause is not only to protect our legal position, but our economic position as well. We are in the resource recovery business.

We do appreciate your staff's courtesy and listening to our problems and hope that you and your staff will be able to help us. We look forward to your comments and we, of course, will be pleased to discuss this vital matter anytime with you or members of your staff.

Sincerely,

Malter C. Carolan

WCC/vw

	PHONE CALL DISCUSSION	FIELD TRIP CONFERENCE			
\ RECORD OF COMMUNICATION	OTHER (SPECIFY)				
3	· (Record of stem	checked above)			
TO:	FROM: 471-6983	DATE 2/19/82 TIME 10:30			
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Stephen Busch	Ben Casey	10.30			
SUBJECT					
PCB Eliminators					
SUMMARY OF COMMUNICATION					
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obtaining bank loans to	purchase equipment	, the equipment			
disappears and the loan	is detailted. He	his a concern			
that PCB Eliminators may	be a "paper" comp	say only. I gave			
Mr Casey general information	on about my conta	ct with the company.			
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To: Frye, Harrington, Mor					
EPA Form 1300-6 (7-72) REPLACES EPA HO FORM S	106-1 WHICH MAY BE USED UNTIL SUPP	LY IS EXMAUSTED.			

<u>ປປີ 1 2 1982</u>

PCB Disposals

Robert L. Morby, Chief, ARWM/WMBR

Michael Sanderson, Chief, ARVM/AVCM

In order for AWCM to determine compliance of PCB disposal facilities, fixed or mobile, we have forwarded copies of all disposal approvals and conditions of approval to the PCB Coordinators, Marvin Frye (June 24, 1982). For all facilities we have required a 30-day written notice prior to initiating operation at a given location. We will forward all such notifications to Mr. Frye.

Also, we are in the process of reviewing an approval request from P.C.B. Eliminators. To date we have found no major technical problems with their process; however, we do have concerns about this company. We were contacted, some time ago, by the Kansas City Police Department (KCPD). The KCPD stated this company was under investigation. Since that time the company broke into several groups. We are uncertain if individuals of concern in the police investigation-remain with P.C.B. Eliminators. We feel our role in the PCB disposal approval process is to make recommendations based upon the technical merits of the system. We are, of course, concerned about a company's ability to comply or willingness to comply with regulations and conditions of approval. We therefore request any information you might have on the P.C.B. Eliminators which might affect the final decision on the approval or disapproval of this disposal request. We hope to minimize the resource expenditures of a continued review if you feel this company should not be granted an approval to dispose of PCBs. We would appreciate your comments on the earliest possible date.

ARVM/WMBR-PMTS:SBusch:lph:x6531:7-9-82:Disk A

Busch

PMTS

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Harringto

Morby

All de

1/12/22- NEW 12/85

DCT 1 9 1982

Mr. Christopher B. Gosch Director of Sales and Marketing Martha C. Rose Chemicals, Inc. 2459 Charlotte Street -Kansas City, Missouri 64108

Dear Mr. Gosch:

In your August 30, 1982, letter to William Rice, our Acting Regional Administrator, you addressed several topics of discussion. This letter is to address those topics, in the sequence in which presented in that letter.

In your letter you requested your approval be reissued to your company under the name of Martha C. Rose Chemicals, Inc.; you specified the name of PCB Eliminators, would no longer be used. Enclosed is an approval letter with the appropriate changes. All deadlines and expiration dates will, of course, remain unchanged.

In order to receive final approval, your company should submit a written request to this office approximately 30 days prior to the expiration date of your interim approval. This letter should also include a statement which specifies you have met all conditions of approval and have complied with all Federal PCB regulations during your interim operation. Also include a copy of all records with respect to your disposal operation. If this data is voluminous, please submit a summary of your disposal activities with a sample sheet from your records.

Closure plans for your facility should be submitted, which includes the information suggested on the enclosed outline. If you have any questions, please contact Stephen Busch of my staff.

We do not have an outline for a Quality Assurance program at this time. If you need assistance developing such a program, may I suggest you contact Dr. Harold Brown of our Laboratory Branch at 374-4461.

If you have any questions regarding the above information, do not hestiate to contact me or Stephen Busch of my staff at 374-6531.

Sincerely yours,

Robert L. Morby Chief, Waste Management Branch Air and Waste Management Division

Enclosures (Revised Approval Letter and Closure plan Outline)

ARWM/WMBR-PMTS:SBusch:lmh:x6531:10-13-82:Disk I

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Busch, Harrington Morby

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2459 Charlotte Street ansas City, Missouri 64108 (816) 471-7227

August 30, 1982

Mr. William Rice Acting Regional Administrator U.S. Environmental Protection Agency 324 E. Eleventh Street Kansas City Hissouri 64106

This letter is to address various points concerning the letter of approval issued by your office to Martha C. Rose Chemicals, Inc. for treating PCBs by chemical detoxification.

- P.C.B. Eliminators -- We no longer do business as PCB Eliminators. I request that the cover letter be reissued addressed to Walter C. Carolan, President, Martha C. Rose Chemicals, Inc., PCB Division.
- Interim Approval -- After March 15, 1983, upon interim expiration, what is the format for permanent approval?
- Closure Plan -- Would like an outline including salient points if possible.
- Quality Assurance -- An outline on specifics would be very helpful.

I would appreciate a written response to the questions I have addressed within forty-five days of this letter so that we can meet USEPA timelines.

Very truly,

CAST OSIV

Christopher B. Gosch Dir. of Sales and Marketing

CBG: jh

EPA-ARHM/HAZM

SEP (: :

SEF 0 2 1982

Region VII K.C., MO

AIR AND HAZARDOUS MATERIALS DIVISION



2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

November 16, 1983

Mr. Morris Kay
U. S. Environmental Protection Agency
Region VII
324 East 11th Street
Kansas City, Missouri 64108

Reference: November 7th Meeting Regarding Process Approvals and Administrative Variance

Dear Mr. Kay:

This letter will follow up on our recent meeting (Nov. 7, 1983) wherein we discussed the permitting of our various processes as well as a one year administrative variance to the "one year rule". Since our meeting with you, we have received from your office a three year permit to process capacitors, for which we thank you. This permit is an extension of our original capacitor process which we demonstrated earlier in 1983.

We have also attended a technical meeting with your Mr. Stephen Busch, of the permitting section, concerning additional approval requests that we have had before the EPA. This meeting was productive and Mr. Busch made several suggestions that he felt would be helpfull in achieving our goals - ie.

- Resubmit our capacitor core treatment process as an extension of our basic capacitor treatment process that is already approved. This was mailed on November 14th. He felt that core treatment could be considered as an extension of our existing approval.
- 2. Mr. Busch suggested some drawing revisions and format changes to our condensate treatment request, and it is our understanding that a six month interim approval could be issued.

In continuance of the above and as a result of our own meeting we would like to formally request of you, at this time, an administrative variance to the one year disposal regulation of PCB materials to allow us time to get the processes presented properly on stream.

To further justify this variance we would assert that we have, through the last year, made a continual effort to develop a disposal relationship with the two land based incinerators. One reluctantly responded after six months with a grudging proposal to handle our material at four to five times the prevailing market price and the other has given no response at all.

Documentation on this is available.) A third incinerator (SCA) has recently received approval to burn core material, however, they are not mechanically prepared to do so and probably won't be until mid 1984.

We feel that an inadvertant oligopoly has been created by the government and that a variance is warranted as:

- 1. Our own process will diminish the incineration process while establishing a resource recovery. (both for condensate and core material)
- 2. Our now experimental transformer scrapping process will be established and a variance will preclude getting rid of valuable resource material (steel and copper).
- Two incinerator ships will be launched within the next year again relieving the monopolistic character of the incineration process.
- 4. SCA (an incinerator) will have the mechanical accessories in place to be an effective incinerator of core material.
- 5. Waste Management Inc.'s ship is likely to be re-permitted and again relieve the monopolistic character of the incineration process.

I believe that our request is reasonable and will cause no deliterous effects to the environment or the disposal programs established by the EPA. The completion and operation of these processes will offer generators a disposal option that in effect keeps costs down and encourages ongoing PCB disposal - everyones goal.

If I may furnish additional information concerning our request, please let me know. I look forward to your reply.

Sincerely,

Martha C. Rose Chemicals, Inc.

Walter C Carolan

WCC/vw

CC: J. Jesperson

J. D. White



2459 Charlotte Street Kensas City, Missouri 64108 (816) 471-7227

January 4, 1985

Mr. Morris Kay Regional Administrator U.S. Environmental Protection Agency Region VII 324 East Eleventh Street Kansas City, Missouri 64106

REFERENCE: Status of Permit Applications

Dear Mr. Kay:

I would like to inquire about the status of certain issues and applications currently before the Region VII permitting section. They are as follows:

- 1. Record keeping update submitted September 7, 1984, concerning the format of records.
- 2. Vapor cleaning of empty drums, tools, and miscellaneous metal submitted November 14, 1984.
- 3. Decontamination of electrical equipment to include voltage regulators, electromagnets, oil switches, dry switches, and motors submitted November 14, 1984.
- 4. Blending of oils submitted to U.S. EPA Headquarters December 6, 1984, submitted to Region VII December 21, 1984.

These issues are of the greatest importance to the environment as well as to the agency and M.C. Rose Chemicals, Inc. Any effort to expedite the permitting process will be appreciated.

If you have any questions, feel free to call me at (816) 732-4117.

Thank you for your consideration.

Dwight E. Thomas

DET/ks

cc: Lyndell L. Harrington Chief, Permits Section PECEIVED AN 8 1925

JAN: 1985



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 374 EAST ELEVENTH STREET KANSAS CITY, MISSOURI - 64166

MAY 31 1983

Mr. Christopher B. Gosch, Director Sales and Marketing Martha C. Rose Chemicals, Inc. PCB Division 2459 Charlotte Kansas City, Missouri 64108

Dear Mr. Gosch:

Thank you for your May 12, 1983, letter inquiring about the status of your request to have the Martha C. Rose Chemicals, Inc. PCB disposal approval modified. We apologize for the delay in responding to your March 10, 1983, submission. Currently we have a very demanding workload and a limited number of personnel to process this backlog of work. My staff has, however, recently completed a review of your submission concerning the processing of gas condensate.

A review of your request has revealed that sufficient information has not been provided to adequately evaluate the process. We need a detailed description of the process(es) you intend to utilize, this includes equipment and procedure descriptions. I have included a list of questions and/or items that need to be addressed before we can modify your existing approval.

If you have any question, please contact Stephen Busch of my staff at ; 816/374-6531.

Sincerely yours,

Director, Air and Waste

Management Division

Enclosure

2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

May 12, 1983

Mr. David Wagoner
Divisional Director of Air
and Waste Management
USEPA Region VII
324 E. 11th Street
Kansas City, MO 64106

Dear Sir:

On March 10, 1983 our company submitted technical documentation to Mssrs. Lyndell L. Harrington and Stephen Busch in support of a previous request dated 12/14/82 which will enable us to process pipeline gas condensate contaminated with PCBs under 1000 ppm.

My purpose in writing to you is to request that this request be given a higher priority than it apparently has. Brooklyn Union Gas has decided to use our chemical detoxification process instead of incineration because the costs are lower, and we are able to recover a large percentage of the feedstock for resale. This is regarded by B.U.G. as a more environmentally sound approach to hazardous waste disposal.

B.U.G. had awarded us the contract in December of 1982, contingent upon our approval to successfully treat it. Their own storage capability is now full and disposal will take place sometime in June.

I wish to convey this sence of urgency to you since in my own opinion, five months is an exorbinantly long time for final disposition of our request.

I also recognize that through the EPA's austerity many programs will suffer, however, that is not a satisfactory solution to Brooklyn Union Gas Company. Our ability to respond to the needs of B.U.G. is totally a function of your response to our request to treat their material.

EPA-ARWM/WMBR

MAY 1 6 1983

Region VII K.C., MC

Mr. David Wagoner May 12, 1983 Page 2

I would very much appreciate a written reply to this letter because we have submitted a subsequent approval request currently being reviewed by your staff and it may reshape my expectations, from which our business decisions are made.

Respectfully,

Officer

Christopher B. Gosch Director of Sales and Marketing

CBG/bd

cc: Mr. Stephen Busch file



2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

July 25, 1983

Mr. Morris Kay
Regional Administrator
USEPA Region VII
324 East 11th Street
Kansas City, MO 64106

Dear Sir:

Our company which is a USEPA Region VII approved PCB disposal company has been trying without success since December of 1982 to receive an additional approval to chemically dispose of PCB pipeline gas condensate.

In an effort to determine the disposition of our final documentation I telephoned Region VII officials. It is my understanding from this conversation that our documentation could not be reviewed until the end of August, and furthermore, PCBs are a very low priority because of funding, and manpower restrictions.

I'm confused. CFR 40 dated August 25, 1982 places very specific, very urgent demands on generators of PCBs. Unfortunately, the low priority attached to applications for disposal of PCBs makes it difficult for generators to dispose of their materials.

The limited disposal options appear to be more a function of budgetary constraints than they are a lack of technologically and environmentally sound approaches to hazardous waste management.

CRF 40, dated August 25, 1982, promulgated the final rules for management of PCBs after several arduous years of debate and fact finding. While I agree that the rules reflect what, why and when, they certainly do not reflect how.

Private enterprise is obviously responsible for providing the solution to this question, but our company, after attempting to do without success must seriously question the Agency's lack of committment to the PCB disposal issue.

FOR ADMINISTRAÇÃO BR

Region VII K.C., MC



Mr. Morris Kay July 25, 1983 Page 2

You are very much aware of the disposal time lines under which PCB generators must operate, and the pitched battle with the utility industry over the economic impact of PCB disposal. Contributing to the utility industries position was the lack of disposal options, and the price charged. Our technology will offer some relief, expand competition and help sustain free enterprise. This ultimately will help contribute to achieving a pollution free environment.

In summary may I say that the intent to this letter to you is not to ask you to grant an approval, but only to evaluate our documentation with more alacrity and consideration than has been exhibited in the past. The president of Rose Chemicals, Mr. Walter Carolan, would like very much to meet with you to discuss the gas condensate issue as well as several other matters of pertinance.

Thank you for your consideration in this matter.

Very truly,

Christopher B. Gosch

Director of Sales & Marketing

CBG/bd ...

2459 Charlotte Street Kansas City, Missouri 64108 (816) 471-7227

February 17, 1984

Mr. Morris Kay
Regional Administrator
U.S. Environmental Protection Agency
Region VII
324 E. Eleventh Street
Kansas City, Mo. 64108

Dear Mr. Kay:

Attached is a letter we sent to Steve Busch of your permits section inquiring as to the status of the applications we have before him for various PCB processes. I understand that at least one of the projects has been mislaid and this memo was intended to remind him of the outstanding applications before him.

In so far as capacitor cores are concerned, we have requested permission to handle more than the five capacitors initially authorized. This small initial quantity was used up the first afternoon gaining simple data he requested. For us to get a demonstrable process on stream we do need more material authorized. In short, the material authorized on our six month permit was utilized on the first afternoon.

During our last conversation, you indicated you could check on the status of our application and I would appreciate any advice you would give me. We are most anxious to come within the compliance guidelines and the permitting of these relatively simple processes would allow us to promptly do so.

Sincerely,

Walt C. Carolan

President

WCC/vj

Enclosure

EPA-ARWM/PMTS

FEB 23 1384

Kexlus VII K.C., MO



Rose Chemicals PCB Division

February 14, 1984

2459 Charlotte Street Kensas City, Missouri 64108 (816) 471-7227

Stephen Busch
Permits Section
U. S. Environmental Protection Agency
Region VII
324 East Eleventh Street
Kansas City, Missouri 64106

Reference: Pending Applications before the EPA

Dear Mr. Busch;

The purpose of this letter is to inquire about the current status of the pending Martha C. Rose applications before the EPA. They are as follows:

Application Date	Last Communication	
Gas Condensate	Nov. 14, 1982 and	December 14, 1983
	Dec. 14, 1982	(application)
Capacitor Cores	Sept. 26, 1983	January 30, 1984 (letter and data)
PCB Transformers	Jan. 31, 1984	January 31, 1984 (application)

It is our intention to proceed as expeditiously as possible with our backlog and your help with permits in a timely manner will be greatly appreciated.

If there are any questions, feel free to contact me at (816)732-4117.

Yours truly,

Dwight E. Thomas, Jr.

DET/lar

EPA-ARWM/PMTS

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